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THESIS

THE EMPLOYMENT OF THE ARMED FORCES IN CASES OF POLITICAL OR SOCIAL VIOLENCE: A COMPARISON BETWEEN THE UNITED STATES AND ROMANIA

by

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December 1998

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The author analyses the current status of civil-military relations, the record of the military's employment in cases of civilian disturbances, as well as the legal framework governing this employment in both countries.

The thesis uses the 1992 Los Angeles riots as a case study for the United States. For Romania, the 1989 Revolution and the 1991 incidents are investigated with a view to determining Romanian particulars.

In conclusion, the thesis compares the two cases to draw conclusions fron the U.S. case appropriate to the Romanian one, and thus to improve the Romanian military response to civil violence.

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i

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THE UNITED STATES AND ROMANIA**

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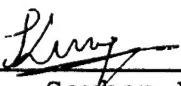Submitted in partial fulfillment of the
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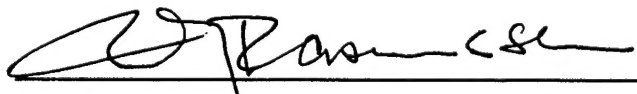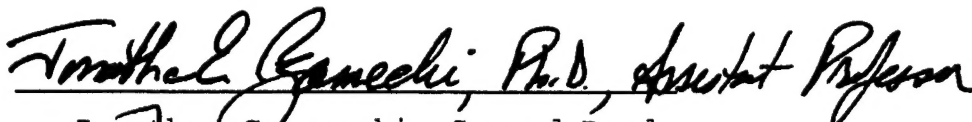**NAVAL POSTGRADUATE SCHOOL
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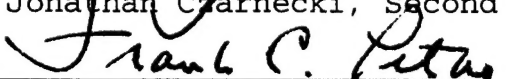
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iii

iv

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v

TABLE OF CONTENTS

x

EXECUTIVE SUMMARY

The collapse of Central and East European Communist
regimes in the wake of the Cold War has brought significant
challenges to the security apparata in these countries.
Romania is not an exception, moreover, due to the violent
termination of Communist rule; the establishment of an
executive agency to deal with civilian violence has met
with several obstructions.

The main argument of the thesis is that the employment
of the military in quelling civilian disturbances is a
legitimate and efficient approach in established
democracies. Therefore, it is critical for a fledgling
democracy like Romania to accept this approach for quelling
domestic political violence. This is so because the absence
of a determined response to civilian violence could
jeopardize the stability of the democratic institutions and
even the consolidation of democracy.

The thesis will analyze the Romanian and the United
States cases focusing on the employment of the military in
the 1992 Los Angeles riots, and the 1989 Revolution and the

1991 miners' riot in Romania. This thesis will also discuss:

- Issues related to civilian control over the military, to discern if civilian supremacy is present and whether the military accepts the notion of domestic employment;

- The legal framework governing this type of military mission;

- The historical record.

The thesis will argue for the adoption by the Romanian authorities of a coherent and comprehensive legal framework, including operational regulations, with a view to provide the grounds for a military response to civilian violence. The American approach, adapted to Romanian circumstances, provides a valuable model.

LIST OF FIGURES

LIST OF ACRONYMS AND ABREVIATIONS

C.P.Ex.	Political Executive Committee
DoD	Department of Defense
DSO	Domestic Support Operations
LAPD	Los Angeles Police Department
LASD	Los Angeles Sheriff's Department
MACDIS	Military Assistance to Civilian Disturbances
MOOTW	Military Operations Other Than War
SCND	Supreme Council for National Defence
SPP	Service for Dignitaries Protection
USLA	Special Counter-terrorist Unit

I. INTRODUCTION

A. PREFACE

This thesis will examine the military responses to
political and social violence in Romania. Subsequently, it
will attempt to compare it with the use of the armed forces
in the United States, in similar situations.[1] The underlying
question is whether the use of the armed forces in cases of
widespread violence is a makeshift expedient in transitional
stages, or, in a mature democratic environment, an
established instrument of state power.

The thesis argues that the domestic employment of the
armed forces has occurred frequently in a democratic society
like the United States, that this type of mission is
legitimate, feasible, and often critical to quelling
civilian disturbances. The analysis will focus on the
significance of the military response to civil violence for
civil-military relations.

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[1] The term 'similar' is used here as far as the outcome is
concerned (i.e. widespread violence), and not necessarily the motivation
behind these upheavals.

1

B. BACKGROUND

The end of the Cold War brought the collapse of the totalitarian regimes imposed by the Soviet Union in Central and Eastern Europe. The nations in the region embarked upon a bold venture to build free market economies and to align their societies with Western liberal democratic values. So far, the consolidation of market economies has preceded the onset of stable democracy.[2]

In Romania, the economic transition has affected the very fabric of society. The uprooting of the working class, the mainstay of society has not gone unchallenged. In specific cases, it was accompanied by outbursts of violence.[3]

After the imposition of Communist rule in Romania, the classic instruments of coercion (law enforcement agencies, security police) were shaped after the Soviet model. Following the collapse of Communist rule, the legitimacy of these instruments of coercion was challenged. These bodies

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[2] Many academics actually consider a successful market economy as a *sine qua non* requirement for the sustainability of democratic institutions. See Robert E. Looney, Peter C. Frederiksen, George M. Warley, and Michael Schaub, "Prerequisites for Successful Fiscal Reforms," in *Journal of Public, Budgeting, Accounting, and Financial Management*, 9 (4), pp. 617-626, and Robert J. Barro, "Democracy and Growth," *Journal of Economic Growth*, 1 (3), pp. 1-27.

[3] To a certain extent, all societal segments are affected, but in this specific case, the potential for violent collective action resides mainly with the most extensive and cohesive one, that is the industrial workers.

2

are undertaking a painful "democratization" process. This process bodes ill for the readiness of these forces in cases of large-scale outbreaks of violence. Since the classic instruments of coercion have been discredited and are in disarray, the most feasible response to the outbreak of violence is the employment of the armed forces, seen as a transient substitute. This approach raises different kinds of problems.

First, the domestic use of the armed forces is not popular with the military, both in the light of the 1989 Revolution, as well as due to the lack of a tradition of domestic employment. Second, the legal framework is far from being comprehensible or comprehensive; the sensitivity of this type of mission makes critical the completion of legislation covering the field. Third, the training of the Romanian officer corps was geared towards waging defensive wars; civil disturbances have only recently been accepted as a significant threat to national security.

C.   METHODOLOGY

The thesis is a comparative case study of similar disturbances in two different nations. The comparative case falls along the lines of "small N, large n," that is, a small number of cases, with a large number of independent

3

variables. The independent variables to be investigated are the patterns of civilian control, the civic cultures, the record of armed forces employment in non-conventional missions, and ensuing influences upon the military establishment. The dependent variable is the success of the use of the armed forces in coping with large-scale violence.[4]

There are several reasons for comparing two cases seemingly sharing few features like the United States and Romania. First, the United States is widely regarded as the epitome of liberal democracy, and this perception is quite standard in Romania. Second, the U.S. military has an extensive record of employment in civil disturbances. Third, during the process of alignment to NATO standards, the Romanian military has always attempted to emulate as closely as possible the U.S. model. It is therefore reasonable to assume that the Romanian military might adapt the U.S. experience in the field of military responses to civilian violence to Romanian conditions.

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[4] Success denotes that military intervention is critical in ending the violence. Moreover, their employment in assisting law enforcement agencies should not be widely resented by significant segments of the population, nor should it inflict adverse effects upon the military.

4

D. SIGNIFICANCE

The study will try to shed light upon a contentious
issue, i.e. the employment of the armed forces in military
operations other than war, namely military support to civil
authorities. By comparing a fledgling democracy and an
established one, the thesis draws conclusions on the
validity of military responses to civilian violence. Lessons
derived from the U.S. case bear certain relevance to Romania
as it attempts to develop an efficient approach to coping
with this type of contingency.

II. THE CURRENT STATUS OF CIVIL-MILITARY RELATIONS

IN THE UNITED STATES

A.   BACKGROUND

Any attempt to distinguish the universal from the
specific in the case of U.S. civil-military relations should
acknowledge the fact that their status is only a snapshot of
overlapping cycles of evolution.[5] Furthermore, the
determinants that lead to a specific configuration should be
accounted for, in order to allow a cross-country comparison.
This implies size and geography, historical evolution,
population, economic development, technological level,
changes in the international environment, and several other
factors begetting influence upon the object of the present
analysis.

The current state of U.S. civil-military relations
should not lead—at least, according to this student's
opinion—to the conclusion that they are in a crisis. More
likely, civil-military relations are confronted with

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[5] Three schools of thought deem the entire social system as
subject to cyclical changes: Cultural theorists ascribe political and
social change to changes in the cultural realm, political historians and
historical economists look for regular cycles of political and economic
change, while social theorists credit changes in the state and

changing domestic and international environments and are subject to a transitional process of accommodation.

There is a broad debate among scholars pertaining to the type of civil-military relations most suitable to the United States. Samuel Huntington argues for a politically neutral, professional military (strictly barred from politics), subject to objective civilian control. Morris Janowitz sees a military committed to the minimal use of force, integrated into civilian society, and maintaining a broad political perspective. Charles Moskos believes that the optimal configuration would be a "plural" one, with specific segments of the military having different connections with the society. Sam Sarkesian considers three interconnected subsystems (civilian élites, military leadership, and military society) partially overlapping against the broader background of the political-social system.[6]

Several criteria were formulated to describe what "effective" or "good" civil-military relations mean in the case of the United States:

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capitalism for the changes in collective action. See Sidney Tarrow, *Power in Movement* (Cambridge: Cambridge University Press, 1994), p. 154.
    [6] See Don M. Snider and Miranda A. Carlton-Carew, "The Current State of U.S. Civil-Military Relation: An introduction," in Don M. Snider and Miranda A. Carlton-Carew, Eds., *U.S. Civil-Military*

- One party to a civil—military decision does not encroach in the clearly defined sphere of the other;
- The number of major conflicts between civilian and military leaders as decisions are made is low (the lower the better);
- The policies produced by civilian and military leaders are "good" (e.g. increased gender integration within the armed forces signals good civil-military relations);
- Civilian and military leaders get along with each other and operate with comity;
- The results of decision making match the initial position of the appropriate actor.[7]

A thorough assessment identified several interactions relevant to the present subject:

(a) Relations between the U.S. military and the public; (b) relations between the U.S. military and influential élites; (c) relations between the U.S. military and political decision makers, (d) the implications of an all-volunteer professional military for civil-military relations; and (e) civil-military relations in a changing international order.[8]

The consensus is that current U.S. civil-military relations are "strained." Four trends account for this situation:

(a) Changes in the international system and, thus, in the U.S. strategic response; (b) the rapid drawdown of the military; (c) domestic demands on the military and society's cultural imperatives; and (d) the increased role of nontraditional missions for the military.[9]

An investigation of the domestic environment points to three unsettling trends:

Relations: In Crisis or Transition (Washington D.C.: The Center for Strategic Studies and International Studies, 1995), pp. 4-5.
[7] Ibid., pp. 15-16.
[8] Ibid., p. 8.

[1] Immigration, [2] the increasing minority population, and [3] the growth of the population ages 65 and older...Today's immigration levels may...lead to increased public pressure for the allocation of federal funds away from national defense towards domestic concerns.[10]

The argument is that a possible upsurge of racial-ethnic tensions might push defense downward on the public's list of priorities.[11] Nevertheless, the military have a tradition in the U.S. as a tool for integrating racial and ethnic minorities.[12]

The third trend, namely the growth of the population ages 65 and over, has two potential negative outcomes: the aging of the population will shrink the pool available for the armed forces, and will divert funding to pay the social bill. Sociological conditions and a system of education inadequate "for significant proportions of the population" will require supplemental efforts to attract and retain youth qualified for "a technologically sophisticated force."[13]

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[9] Ibid.

[10] James F. McIsaac and Naomi Verdugo, "Civil-Military Relations: A Domestic Perspective," in Snider and Carlton-Carew, p. 22. Actually, the first two trends are not totally independent. McIsaac and Verdugo examine the arrival of new immigrants and the numeric increase of established minority groups (enjoying citizen status) as distinct phenomena.

[11] Ibid., p. 23.

[12] "According to Professor Charles Moskos, blacks occupy more management positions in the military than in business, education, government or any other significant sector of society." See "The Military's New Stars," in *U.S. News and World Report*, April 18, 1988, p. 39.

[13] Snider and Carlton-Carew, pp. 24-25.

This dire prediction might miss the point of cyclical evolution. For instance, 93% of the newly enlisted in 1988 had high-school diplomas, compared with 68% in 1978; more than 15,500 would-be midshipmen applied for 1,320 places in the 1988 plebe class at the Naval Academy, compared with 9,000 a decade earlier; virtually all Air Force Academy cadets graduated in the top one fifth of their high-school class.[14] Therefore, the difficulty in recruiting properly qualified youth might be only transitory. Furthermore, against the background of a shrinking military, the requirement for qualified recruits might decline in importance.

The analysis of "influential élites,"[15] which includes the intellectuals, the media, the military-industrial complex, and the governing élites, indicates that the military are growing somewhat apart from the civilian side of society, due to the appearance of "military illiteracy," a phenomenon attributed to the baby boomers' ascending to elite status. Lacking military training (and with different professional interests), the baby boomers have a different perception of military matters, reflected both in media coverage of the military and the policy making process.

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[14] See "The Military's New Stars."

11

The different perceptions may account for distinct views pertaining to the military mission.[16] The military is reluctantly admitting that the national security realm is wider than during the cold war years, thus accepting the notions of operations other than war, as long as they do not compromise war-fighting capability and readiness, while civilian "influential elites" see a domestic role for the military,

> Includ[ing] *defense conversion* (to assist businesses —through dual-use technology development— and communities make the transition from dependence on the military) and *community assistance* (to address critical domestic needs in education and job training, health care, disaster relief, and engineering and infrastructure).[17]

Two factors heighten the relevance of nontraditional military missions in the U.S. case: the end of the Cold War superpower confrontation and the ensuing demise of the Soviet Union, leading to the perception that the military is looking for a new mission, and the election in 1992 of a president with a predominantly domestic agenda.[18]

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[15] See Mark J. Eitelberg and Roger D. Little, "Influential Elites and the American Military after the Cold War," in Snider and Carlton-Carew.

[16] See Curtis L. Gilroy, "Civil-Military Operations and the Military Mission: Differences between Military and Influential Elites," in Snider and Carlton-Carew, pp. 68-88.

[17] The underlying idea is to take advantage of military's assets to support civil-military program. See Gilroy, p. 83 and 68, emphasis in the original.

[18] Ibid., p.69.

The first factor presents the U.S. policy makers with two options: a large military organization, with an increased domestic and non-military role, or the preservation of traditional war-fighting missions for a smaller force (which could be the core of a larger force, developed if contingencies require).[19] So far, there has been an unsteady compromise between the two factors.

It has been argued that Huntington's "subjective-objective" typology of civilian control over the military has never been taken to heart by any of the parties (civilian leadership and military).[20] Peter Feaver ascribes the current strains of the civil-military relationship to the challenge of defining a new role for the military, particularly to four fault lines dividing the parties:

1. *the primacy of force*, splitting civilian hawks and military doves;
2. *how much force to use*, splitting the military, who have consistently advocated using force quickly and decisively, and civilians, who have favored a measured and circumscribed approach;
3. *control of operations*, splitting the military, who prefer delegative control, and civilians, who prefer assertive control; and
4. *clarity of mission*, splitting the military, who seek ever clearer mission statements, and civilians, who

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[19] See Michael C. Desch, "U.S. Civil-Military Relations in a Changing International Order," in Snider and Carlton-Carew, p. 175. Desch argues that the latter is preferable, despite its troublesome implementation (due to budgetary constraints and to difficulty to identify a convenient enemy).

[20] See Snider and Carlton-Carew, in Snider and Carlton-Carew, pp. 5-7.

have shown a willingness to use military force on
behalf of ambiguous and open-ended objectives.[21]

The impact of the economic element upon civil-military
relations follows the attempt to reconcile the requirements
of containing communism during the Cold War years, with the
preservation of a burgeoning economy. The American emphasis
on technology, as opposed to the Soviet approach, relying on
extensive use of manpower, not only managed to preserve the
democratic features of the American society, but eventually
led to the collapse of the enemy.[22]

B.   THE CASE OF MILITARY OPERATIONS OTHER THAN WAR

This section will consider Military Operation Other
Than War both against the historical record and in the
present circumstances. The discussion is in contiguity with
the current U.S. debate on the topic. A brief investigation
of MOOTW principles will compare them to the "principles of
war" guiding the U.S. military.

1.   The Historical Record

A discussion of the fundamental tasks of the United
States military in the wake of the end of the Cold War

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[21] See Peter D. Feaver, "Civil-Military Conflict and the Use of
Force," in Snider and Carlton-Carew, pp. 129-130.
[22] See Paul Bracken, "Reconsidering Civil-Military Relations," in
Snider and Carlton-Carew, pp. 147-150.

should touch on at least three issues: the changing strategic environment, the historical record, and the civil-military relations. While a wide consensus exists about the traditional military mission, namely that of providing "the military forces needed to deter and protect the security of the United States,"[23] the definition of present (and future) threats to U.S. national security has unleashed a stormy dispute among politicians, top brass, and scholars. The U.S. National Security Strategy distinguishes ethnic conflict, outlaw states, proliferation of weapons of mass destruction, terrorism, organized crime, and environmental degradation, resource depletion, and rapid population growth as factors blurring the line between domestic and foreign policy.[24]

An extended definition of military missions to cover military operations other than war (MOOTW) has led to concern about adverse the effects upon military readiness (especially in a time of shrinking defense budgets), as well as upon civil-military relations.[25]

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[23] Department of Defense, *Organization and Functions* (Washington, D.C., February 1990), quoted by Curtis l. Gilroy, in Snider and Carlton-Carew, p. 68.

[24] See *A National Security Strategy for A New Century*, May 1997, <http://www.whitehouse.gov/WH/EOP/NSC/Strategy/>, [4 August 1998].

[25] The debate on the latter issue was covered in three essays by Colonel Charles Dunlap, Jr. "The Origins of the American Military Coup of 2012," *Parameters* 22, (Winter 1992-93), pp. 2-20, "Welcome to the Junta: The Erosion of Civilian Control of the U.S. Military," *Wake Forest Law Review*, Vol. 29, No.2, Summer 1994, pp. 341-392, and "Melancholy Reunion," USAF Institute for National Security Studies Occasional Paper 11 (October 1996).

MOOTW doctrine identifies no less than fifteen types of such operations.[26] One can distinguish at least two driving forces behind the 'expansion' of the military mission. Some maintain that

> Missions in the areas of humanitarian assistance, disaster relief and medical care, law and civil rights enforcement and labor relations, and engineering, and public works have been a fundamental time-honored tradition of the U.S. military from the earliest day of the Republic.[27]

This argument sets a different course to the debate, by dismissing to a certain extent the notion that MOOTW are filling the gap left after the dismantling of the Warsaw Pact and the collapse of the Soviet Union.

The scope of intervention by the U.S. military in domestic contingencies is extensive. Two scholars have counted more than "160 occasions on which State and Federal troops have intervened in labor disputes."[28]

In addition, the U.S. military is the victim of its own

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[26] "Arms control, combating terrorism, DOD support for counterdrug operations, enforcement of sanctions/ maritime intercept operations, enforcing exclusion zones, ensuring freedom of navigation and overflight, humanitarian assistance, military support to civil authorities, nation assistance/ support to counterinsurgency, noncombatant evacuation operations, peace operations, protection of shipping, recovery operations, show of force operations, strikes and raids." See Department of Defense, Chairman of the Joint Chiefs of Staff, *Joint Publication 3-07: Joint Doctrine for Military Operations Other Than War* (Washington, D.C., June 1995), p. III-1.

[27] Sanford Terry, *Military Operations other Than War: Implications for the U.S. Air Force,* Report no. 94-286 F (Washington, D.C.: Congressional Research Service, March 1994), cited in Gilroy, pp. 71-72.

[28] See Philip Taft and Philip Ross, "American Labor Violence: Its Causes, Character, and Outcome," in Roger Lane and John J. Turner, Eds., *Riot, Rout, and Tumult: Readings in American Social and Political*

success, due to a combination of several factors: unique assets available on extremely short notice, special training, discipline and equipment, sophisticated logistics and organizational structure, and high confidence among the public.[29] This has led the most influential advocate of the nontraditional domestic role for the military, Senator Sam Nunn, to claim that

> The American taxpayers have invested in and have built
> a great stockpile of innovative ideas, knowledge,
> trained, talented people, and equipment in the military
> over the years. These resources if properly matched to
> local needs and coordinated with civilian efforts, can
> made a useful contribution.[30]

2. Principles of War and Principles of Military Operations Other Than War Compared

A brief review of traditional "principles of war," and of "principles of military operations other than war," leads to the conclusion that the latter are "an extension of warfighting doctrine"[31] adjusted to a different environment, with its own specific requirements.

The principles of war, hailed as "the enduring bedrock of U.S. military doctrine," are: objective, offensive, mass, economy of force, maneuver, unity of command, security,

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Violence (Westport, Connecticut: Greenwood Press, 1978), p. 243.
[29] See Gilroy, pp. 74-75.
[30] Quoted by Gilroy, p. 83.

17

surprise, and simplicity.[32] A different, albeit related set of principles guides joint operations other than war: objective, unity of effort, security, restraint, perseverance, and legitimacy.[33]

While three of MOOTW principles, namely objective, unity of effort, and security are derived from their traditional counterparts, the remaining three (restraint, perseverance, and legitimacy) are imposed by the different circumstances of MOOTW. These three principles are critical to the operation's success in numerous circumstances.

Even the first three objectives present additional encumbrances. Defining mission success is more difficult than in a traditional warfighting setting, because political objectives might not overlap with military end states. Unity of effort, as opposed to unity of command (directing all means to a common purpose) is complicated by command arrangements. For instance, peace operations are usually conducted as multinational efforts, with civilian agencies (international governmental as well as private volunteer organizations) operating alongside military forces in coalition arrangements. Leaving aside the inherent

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[31] *Joint Pub 3-07*, p. viii.
[32] See Department of Defense, Chairman of the Joint Chiefs of Staff, *Joint Publication 3-0: Doctrine for Joint Operations* (Washington, D.C., June 1995), pp. A-1 to A-3.
[33] See *Joint Pub 3-0*, p. V-2.

18

complications in the chain of command, a serious handicap
affecting these operations is the reluctance to accept
subordination of U.S. contingents to foreign operational
control. These circumstances might impair security as well,
due to political issues related to U.S. forces providing
security to specific NGOs (PVOs).

Two MOOTW-specific principles, namely perseverance and
restraint, may come at odds with the abhorrence of the U.S.
military towards protracted involvement in foreign
contingencies, as well as with the principle of "mass,"
requiring the "concentr[ation] of combat power at the place
and time to achieve decisive results."[34]

While critical to mission success, the principle of
legitimacy posses additional political strains on U.S.
forces committed abroad. Legitimacy is actually a three-
level issue, involving the local populace, the U.S. public,
and the international public opinion.

The argument is that an increased military dedication
to MOOTW (especially in domestic operations) would harm the
military ethos by eventually leading the officer corps to an
outright rejection of its primary mission, i.e. fighting and
winning the nation's wars. Due to different—even conflicting
at times—worldviews, the military might come to question

civilian supremacy in defense and security matters. By trying to fix each and every societal dysfunction (real or perceived), the military could be tempted to assume a "neo-praetorian" role. While Charles Dunlap's cataclysmic vision[35] reflects an inherited distrust of large standing armed forces, the side effects of an increased overlap of the military and political realms should not be dismissed easily. According to some scholars, to prevent such undesirable outcomes,

> The best option, in terms of military effectiveness and civilian control of the military, is to push for further reductions in force posture but to maintain the military focus on traditional, external military missions.[36]

For the predictable future the U.S. military will be increasingly involved in nontraditional missions. The issue at stake is the "*balance* when the military is downsizing—in terms of personnel, materiel, and budgets."[37] Since the probability of a major contingency is low for the time being, the military will have to sometimes sacrifice military readiness in favor of MOOTW.

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[34] *Joint Pub 3-0*, p. A-1.
[35] See Dunlap, "The Origins of the American Military Coup of 2012."
[36] Desch, p. 178.
[37] Gilroy, p. 83, emphasis in the original.

C. CONCLUSION

The current status of U.S. civil-military relations is influenced by factors pertaining both to U.S. domestic trends and to the international environment. The paramount international factor bearing influence upon U.S. civil-military relations is certainly the end of the Cold War, with the subsequent dismantling of the Soviet Union, America's arch-rival. Among the most relevant domestic factors, one can cite age and racial distribution changes, elite and public perceptions, the implications of an all-volunteer force (alongside the traditional American emphasis on technology versus sheer numbers), and the changing agenda of the baby-boomer political decision-makers.

The allegedly new type of missions—Military Operations Other Than War—has magnified the ongoing debate over the model of civil-military relations best suited to the United States. The U.S. military's involvement in MOOTW has seen a significant increase in the 1990s, raising questions about its impact on readiness. A wider debate has questioned the very relevance and appropriateness of MOOTW, due to its conflicting requirement with the military's main mission, i.e. fighting and winning America's wars. An unsettling potential development adjoining MOOTW is the collapse of the

military ethos, which would be replaced by a "praetorian" mentality.

The defendants of MOOTW point to the unique capabilities of the military in terms of assets, personnel, and training, which puts them in an excellent position to deal with several issues. The defendants of MOOTW claim that the military should be involved in the fight against societal problems, since the taxpayers have invested a great deal in building these capabilities. In addition, the advocates of non-traditional military missions advance an extended definition of national security, to include non-military threats.

Another reason underlying the U.S. military undertaking of MOOTW is the historical record. The federal military has been involved in this type of mission from the onset of the Republic, while the state militia—the predecessor of the National Guard—undertook these missions even in colonial times.

Put in these terms, the issue becomes one of balance and proper employment. While no one can deny the primacy of the external defense mission of the military, the current international and domestic environments will still require a certain dedication to MOOTW. In times of shrinking budgets, resources should be balanced to cover both ends of the

spectrum. In addition, the decision-makers should acknowledge both the fact that the military cannot serve as panacea to every societal problem, as well as the potential adverse effects of an exaggerated dedication to MOOTW.

III. CIVILIAN CONTROL OF THE MILITARY IN ROMANIA

A.   BACKGROUND

The end of the Cold War and the termination of Soviet
domination over Central and Eastern Europe led to the
emergence of new democratic regimes in the region. One of
the most challenging tasks confronting the newly established
ruling democratic élites is the restructuring (i.e.
modernization) of the military establishments. Two driving
forces can be identified behind this process: first, the
functional imperative,[38] in this case the tremendous changes
in the regional (and global) security environment, and
second, the societal imperative (the urge to accommodate the
new dominant liberal-democratic values with the military
establishment, against the broader background of integration
into the Western democratic family). New policies are to be
developed and implemented to allow a proper role for the
civilian decision-makers to formulate national security
policies and establish parliamentary control over military
expenditures. This transition covers broadly the shift from

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[38] See Samuel P. Huntington, *The Soldier and the State* (Cambridge,
Massachusetts: Harvard University Press, 1985), p. 2.

the penetration model of civilian control to the liberal
one.[39]

According to the penetration model,

Civilian governors obtain loyalty and obedience by
penetrating the armed forces with political ideas (if
not fully developed ideologies) and political
personnel. Throughout their careers, officers (and
enlisted men) are intensely imbued with the civilian
governors' political ideas.

In the case of the liberal model,

Civilians holding the highest governmental offices—be
they elected, appointed, or anointed—are responsible
for and skilled in determining domestic and foreign
goals, overseeing the administration of laws, and
resolving conflicts among social, economic, and
political groups. Military officers are trained and
experienced in the management and application of force,
responsible for protecting the nation against external
attack and the government against internal violence.[40]

In his landmark study on Spain's transition to

democracy, Felipe Agüero defines

Civilian supremacy as the ability of a civilian,
democratically elected government to conduct general
policy without interference from the military, to
define the goals and general organization of national
defense, to formulate and conduct defense policy, and
to monitor the implementation of military policy.[41]

His further elaboration on the necessity of the removal

of "the military from power positions outside the defense

area" has limited applicability to the former Communist

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[39] See Eric A. Nordlinger, *Soldiers in Politics* (Englewood Cliffs,
New Jersey: Prentice-Hall, 1977).
[40] Ibid., pp. 12-18.

nations in Central and Eastern Europe, since the military traditionally held only one ministerial office except defense, namely the Ministry of Interior (which had been organized along military lines). In all Central and East European nations, civilian officials now hold this position.

In the investigation of the nature of civil-military relations in Romania, this paper will follow to a certain extent the criteria set by Agüero for civilian supremacy:

> (1) Some habituation—in the sense of repeated practice—has been reached over a number of years in the exercise of civilian leadership as stated in the definition; (2) the prerogatives contemplated in this definition have been formalized in the nation's constitution or other major laws; (3) no overt challenge by the military institution has taken place over a number of years, and (4) the military had to accept one major decision taken by civilian authorities about which military opposition has been previously voiced.[42]

Agüero aptly notes that "the nature of the elite in control of the transition and the extent of its control will be affected by the transition path."[43] His description of the Romanian transition as civilian with high levels of influence over the process by the outgoing authoritarian regime is accurate only for the first part of the process.[44] Actually, as far as the classification of the transitions in

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[41] Felipe Agüero, *Soldiers, Civilians and Democracy: Post-Franco Spain in Comparative Perspective* (Baltimore: The John Hopkins University Press, 1995), p. 19.
[42] Ibid., pp. 21-22.
[43] Ibid., p. 29.

Central and Eastern Europe is concerned, Agüero seems to miss the point. Huntington provides a different point of view:

> In cases of *regime transformation*, the initiative came from reformers in the government…Hungary tend[s] to fit this model. In cases of *regime replacement*, the authoritarian regime collapses or is overthrown and the democratic opposition comes to power;…East Germany and Romania tend to fit the model. In still other cases of *transplacement*, democratization is the joint product of government and opposition groups;…Poland and Czechoslovakia approximate this model.[45]

The following brief historical survey of the Romanian military establishment, focusing on the officer corps, attempts to determine whether its features (expertise, responsibility and corporateness) endow it with the prerequisites to rise up to the challenge of change. According to Huntington, "the management of violence" might qualify as the central skill of military competence, acquired through a dual education (specific and "liberal"). The officer has a special social responsibility guided by his professional ethics (expressed in custom, tradition, and the continuing spirit of the profession). The officer corps

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[44] Ibid., p. 65.
[45] Samuel P. Huntington, "Democratization and Security in Central and Eastern Europe," in Peter Volten, Ed., *Uncertain Futures: Eastern Europe and Democracy* (Boulder, Colorado: Westview Press, 1990), p.41, emphasis in the original.

is an autonomous social unit, molded by the functional imperatives of security.[46]

The interaction between the military and society shall be analyzed with a view to detecting political proclivities of the former. This approach shall be linked to an investigation of the legal framework, and the details of day-by-day military operation. The conclusions will provide a description of civilian control of the military in Romania. While accepting Agüero's argument, "that democratization and civilian supremacy can be secured without prior voluntary support of the democratic credo by members of the armed forces,"[47] historical evidence supports the notion that the existence of this credo may nevertheless alleviate some of the process' hardships. Moreover, one should scrutinize the patterns developed over the longer historic cycles. A short-term approach could easily dismiss significant trends in military behavior.

B.   THE HISTORICAL RECORD

1.   Pre-Communist Tradition

In 1859, the principalities of Moldova and Wallachia were united, adopting the name of Romania in 1862. Romania

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[46] See Huntington, *The Soldier…*, pp. 8-18.
[47] Agüero, p. 21.

was created a kingdom in 1881. The modern armed forces
(first formations established in 1834 in the principality of
Wallachia) were trained by a French military mission, and
provided by French equipment. Romanian officers were
accepted into the French military academies at St. Cyr,
Metz, Brest, and Saumur. The first Romanian officer training
college was established in 1864.[48] The newly established
army suffered a baptism of fire in the War of Independence
(1877-1878), and was to be the main instrument in the
achievement of grand national policy objectives during the
Second Balkan War and both World Wars. Force structure,
equipment and training were designed to match those of
Romania's major allies (the Entente in the First World War
and the Axis in the second).[49]

The period between 1859 and 1938 (the creation of the
national state and the imposition of the "royal
dictatorship" by King Charles II, respectively) is commonly
regarded as a period of genuine democratic development,
covering the field of civil-military relations as well.[50]
The very existence of this era provides a sense of

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[48] See Karl Wheeler Soper, *"Chapter 5. National Security,"* in
Ronald D. Bachman, Ed., *Romania: A Country Study* (Washington DC: U.S.
Government Printing Office, 1991), pp. 255-256.
[49] See George W. Price, "The Romanian Armed Forces," in Jeffrey
Simon, Ed., *NATO-Warsaw Pact Force Mobilization* (Washington DC, The
National Defense University Press, 1988), p. 484.

continuity to the current democratization process. The
underlying assumptions are that:

- The institution of democratic control over the Army is
  not exactly a novelty; it has historical roots,
  measurable in tens of decades, which are almost
  intertwined with those of the modern Romanian State.
- The prevalence of civilian authorities over the Army
  is a valid explanation—along with the people's
  vocation for observing law and authorities, as well as
  the rights of other peoples—for the lack...of military
  coups d'etat or wars of aggression.
- The current legislation is therefore expressing a
  certain continuity, which was only suspended under the
  totalitarian regime; otherwise put, MPs of the late
  20th century were inspired by and extracted from
  previous Romanian legislation those dimensions
  defining domestic democracy and aimed at leveling them
  with regulations from longstanding democracies.[51]

The country's legal framework (incorporated both in the
fundamental laws: the Paris Convention of 1859, the 1866 and
1923 Constitutions, as well as the organic laws) points to a
pattern of civil-military relations epitomizing the liberal
model.

The bicameral Parliament exercised its oversight via
budget appropriations and ministerial accountability. As a
rule, active officers were barred from party politics, even
though they could serve as cabinet ministers.[52]

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[50] See *"Historical Survey,"* in *Romanian Ministry of National
Defence Website*, available [online] at
<http://mil.logicnet.ro/41100e.htm> [25 May 1998].
[51] Ibid. Coups d'etat initiated will be discussed later.
[52] Ibid.

2.   Communist Era Developments

The Soviet occupation after the Second World War and
the imposition of Communist rule led to the forceful
restructuring of the armed forces according to the Soviet
pattern,[53] and to the adoption of a pattern of civil-
military relations in line with the penetration model, as
defined by Nordlinger.

After 1958, when Soviet occupation forces were
withdrawn, Romania curtailed its commitment to the Warsaw
Pact to a minimum, embarking upon an independent national
defense doctrine emulating the Yugoslav 'nation-in-arms'
concept, but drawing lavishly from its own historic record
as well. The 1968 intervention in Czechoslovakia by the
combined forces of the Soviet Union and its trusted allies
(Bulgaria, Hungary, the GDR and Poland) widened the gap
between Bucharest and Moscow. Romania adopted a policy of
self-sustenance in the field of procurement and terminated
the officers' training in the USSR. Indoctrination stressed
the "national" feature of officers' training. Reading

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[53] Force structure, equipment and training, were restructured to
allow subordination to the Soviet High Command (later to the Warsaw Pact
Combined Command of the Combined Armed Forces). See Jeffrey Simon,
Warsaw Pact, p. 13.

between the lines, it was obvious that the 'Big Brother' had

become the paramount security threat.[54]

The process was paralleled by the development of an

extensive education and training system, emphasizing the

need for a professional officer corps. The Institute for

Military History and Theory (established in the late 1970s)

was instrumental in the development of the defense doctrine,

which emulated earlier Romanian military developments,

without neglecting the aforementioned 1859-1938 period.

Eventually, this trend backfired, since it developed a sense

of corporateness among the officer corps.

This emphasis on a professional officer corps did not

preclude Communist propaganda. As Karl Soper notes:

> The…political indoctrination program was founded on
> socialist and nationalist ideologies…It conspicuously
> lacked the pro-Soviet sentiment and "socialist
> internationalism" characteristic of indoctrination in
> the other Warsaw Pact countries. Officers were subject
> to party discipline outside the military chain of
> command.[55]

Fundamental contradictions developed between

Ceausescu's policies and the corporate interests of the

military. The reductions in the defense budget and military

personnel as well as the extensive use of the armed forces

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[54] See Simon, *Warsaw Pact…*, pp. 27, 30-31 and 207. Most of these
features may be easily traced to the "maverick" policy conducted by
Nicolae Ceausescu (Secretary General of the Romanian Communist Party
between 1965-1989 and President of Romania between 1971-1989) vis-à-vis
Moscow.

33

in domestic construction projects had negative impacts upon military training and readiness. Nor were the officers pleased with the top brass promotion according to Ceausescu's whims.

Since the concept of the nation-in-arms prescribed by the "War of the Entire People" doctrine which included an extended role for the Patriotic Guards (namely guerilla warfare), the Ministry of National Defence was supposed to cooperate closely with the Guards and provide them with equipment. The Patriotic Guards were created in the aftermath of the Soviet intervention in Czechoslovakia. The Guards were a militia force, recruited on a factory base. For instance, a behemoth like "23 August" (heavy industry works) provided an entire light infantry division. The Patriotic Guards were not supposed to provide replacements to the active force component, like the reserve proper. Instead, they were expected to operate in territory "under temporary enemy occupation," in order to force the enemy to deploy an increased number of occupation troops, and thus to increase the costs. In addition, the doctrine required them to harass small enemy units, communication lines, and depots to augment the enemy's attrition. Their requirement of light weapons conflicted with the military's need for more

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[55] See Soper, p. 265.

advanced weapons and equipment. The insignificant control exercised by the Ministry of National Defence explained to a certain extent the notion of the Patriotic Guards as a counterbalance to the regular armed forces. Nevertheless, professional officers regarded the traditional armed services as the sole institution able to conduct the full range of military missions.[56]

3.   Military Involvement in Politics

Romanian modern history records three instances of overt military involvement in politics. In January 1941 the army, backing General Ion Antonescu, Chairman of the Council of Ministers, crushed a coup attempt by the Iron Guards (a far-right movement with Nazi leanings, actually the sole legal party at the time), and formed a Cabinet with high-ranking officers and technocrats.[57] This movement might be construed as a guardian praetorian coup[58] since the military toppled a civilian government and assumed power. The main reason behind this move was the interference by foreign factors (Nazi Germany) in domestic policy. The regime's association with Germany on the eastern front enjoyed

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[56] Ibid., p. 268.
[57] For details on the Antonescu regime, see Vlad Georgescu, *The Romanians: A History* (Columbus: Ohio State University Press, 1991), pp. 210-222.
[58] See Nordlinger, pp. 24-25.

initial popular support. After the conspicuous failure of this policy, officers close to the chief of the General Staff, and inspired by King Michael and his pro-Western Camarilla, staged a successful coup in August 1944. The military did not seize power. A broad coalition Cabinet, which at once declared war on the Axis and joined the Allied camp, was formed instead. This time a military faction operated as a moderator.[59] Further democratizing developments were arrested by the ensuing Soviet occupation.

The last appearance by the military on the political stage was witnessed during the December 1989 Revolution. The reequilibration model developed by Linz seems to be an appropriate tool for analysis, in spite of the different circumstances.[60] The structural system failure, since both value production and value distribution alienated society from the state, led to the loss of legitimacy by the ruling elite. The crisis reached a peak, when the coercion instrument (the police and security forces) was not able—or more likely, not willing—to contain the mass upheaval. The political vacuum created by the collapse of all but one component of state power was temporarily filled by the armed

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[59] See Nordlinger, pp. 22-24.
[60] See Juan J. Linz, "Crisis, Breakdown and Reequilibration," in Juan J. Linz and Alfred Stepan, Eds., *The Breakdown of Democratic*

forces, mainly by default. The army promptly relinquished power to the new authorities, which emerged from the maze of the Revolution.[61]

Despite their oath of allegiance to the executive power, in all the aforementioned cases the loyalty of the Romanian officer corps swayed, due to its "unwritten norms transmitted through the professional educational system."[62] Its specific features commanded a responsibility towards society and not towards the state.

The strong interaction between society and military, due to a long record of wars of survival, led early to the reliance upon the 'nation-in-arms' model. The Romanian pattern of civil-military relations has vacillated between Huntington's fifth category:

> Promilitary ideology, low military political power, and high military professionalism. This type might be expected in a society relatively safe from security threats and dominated by a conservative or other ideology sympathetic to the military viewpoint,[63]

Regimes (Baltimore and London: The John Hopkins University Press, 1978), ch. 4.

[61] For detailed accounts (albeit somewhat dated) of the 1989 events in Romania, see Peter Cipkowski, *Revolution in Eastern Europe* (New York: John Wiley and Sons, Inc, 1991), pp. 118-147, and Jacques Lévesque, *The Enigma of 1989* (Berkeley, California: University of California Press, 1995), pp. 191-204.

[62] Huntington, *The Soldier...*, p. 10.

[63] Huntington, *The Soldier...*, p. 97. Usually, the military ranks first in most opinion surveys conducted after 1989, as far as public trust is concerned, in others it is second to the Church. There is here a certain variance from the model; nevertheless, the threat perception has decreased significantly in Romania after NATO initiated its enlargement process.

and his fourth one, differing from the previous in the sense that it is characterized by high military political power.

One might thus conclude that available evidence suggests that the Romanian military establishment *per se* is not regularly prone to play a prominent role in the political game and is generally committed to the principle of democratic civilian control. Nevertheless, in situations where there appears to be no political solution to severe crises (and in cases of regime collapse), the military might step in for limited periods, to provide a surrogate for state authority.

C. POST-COMMUNIST TRENDS IN THE MILITARY ESTABLISHMENT

1. Theoretical Approach

The Romanian officer corps is currently engaged in the development of expertise and corporateness consistent with the contemporary Western standards. This is one of the reasons why the military have so far been the mainstay of Romania's Euro-Atlantic integration policy.

In his study dedicated to the issue of the admission of Central European nations into NATO, Jeffrey Simon develops a model outlining four conditions critical to the

effectiveness of democratic oversight and management of the military:

> *1. A clear division of authority between president and the government (prime minister and defense/interior minister) in Constitution or through public law.* The law should clearly establish who commands and controls the military and promotes military officers in peacetime, who holds emergency power in crisis, and who has authority to make the transition to war …
> *2. Parliamentary oversight of the military through public law …*
> *3. Peacetime government oversight of General Staffs and military commanders through civilian defense ministers.* Defense ministry management includes preparation of the defense budget, access to intelligence, involvement in strategic planning, force structure development, arms acquisition and developments, and military promotions …
> *4. Restoring of military prestige, trustworthiness and accountability for the armed forces to be effective.*[64]

These criteria will be employed in the following investigation of the legal framework currently operating in Romania, with a view to determining the effectiveness of civilian control.

2. Stages of the Reform Process

The December 1989 Revolution and the strategic policy goal of integration in the European and Euro-Atlantic security structures confronted the military establishment with new requirements: the creation of a "leaner-but-meaner"

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[64] Jeffrey Simon, *NATO Enlargement & Central Europe: A Study in Civil-Military Relations* (Fort McNair: The National Defense University Press, 1996), pp. 26-27, emphasis in the original.

force structured according to NATO standards; and the emergence of new strategic and operational requirements.[65] The access of numerous Romanian officers to U.S., West European and NATO military academies, staff colleges and other institutions, is one of the means to achieve this goal, by bolstering the expertise of the officer corps.[66]

The reform of the Romanian armed forces can be divided roughly into three stages.[67] The first stage, a preparatory one (1990-1993) comprised mainly the elimination of Party control structures and the dismantling of the structures specific to membership in the Warsaw Pact. The last career officer serving as Minister of National Defence supervised the elaboration of new doctrines and concepts. New organizational structures were tested.

In the second stage of the reform (1993-1995), the restructuring of the Ministry of National Defence established an organizational structure compatible with genuine democratic civilian control. Personnel and equipment were downsized according to Romania's international commitments. Participation in the Partnership for Peace

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[65] See *"Principles in the Organization of the Armed Forces,"* *Romanian Ministry of National Defence Website*, available [online] at <http://mil.logicnet.ro/5150000e.htm> [24 May 1998].

[66] See "Military Education," in *Romanian Armed Forces: A Partner for the Future* (Bucharest: The Ministry of National Defence Public Relations Directorate, 1997), p. 26.

program, as well as in a series of international

peacekeeping operations, triggered new trends of reform.

The third stage (1996-2000) is more grass-roots

oriented, and it is dedicated to the enhancement of the

individual and unit performance. Civil-military relations

are seen from a different perspective. In order to achieve

compatibility with NATO counterparts, the Ministry of

National Defence (and especially the General Staff) was

refitted again in 1997.

3.   Legal Framework and Structures

Articles 92 and 93 of the Constitution stipulate the

division of powers mentioned by Simon.[68] According to

Article 92:

> 1) The President of Romania shall be Commander-in-Chief
> of the Armed Forces and presides over the Supreme
> Council for National Defence.[69]
> 2) He may declare, with prior approval of Parliament,
> partial or general mobilization of the Armed Forces.
> Only in exceptional cases shall the decision of the
> President be subsequently submitted to Parliament for
> approval, within five days from adoption thereof.
> 3) In the event of an armed aggression against the
> country, the President shall take measures to repel the
> aggression and shall promptly notify the Parliament. If
> Parliament does not sit in a session, it shall be

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[67] See Division General Dr. Constantin Degeratu, "The Reform of
Romania's Armed Forces: A New Stage," in *NATO's Sixteen Nations*
(Uithoorn, The Netherlands: Jules Perel's Publishing Co., 1997), p. 25.
[68] See *"Romania—Constitution,"* in *International Constitutional Law*
[online database], available [online] at <http://www.uni-
wuerzburg.de/law/ro00006.html-A092>[24 May 1998].
[69] In Romania, the spelling in use is the British one.

41

convened *de jure*, within 24 hours from the outbreak of the aggression.

Article 93 sets the framework for emergency measures:

1) The President of Romania shall, according to the law, institute the state of siege or emergency throughout or in part of the country, and shall request Parliament approval of the measures thus adopted, within five days from adoption thereof.
2) If Parliament does not sit in a session, it shall be convened *de jure* within 48 hours from the institution of the state of siege or emergency, and shall function throughout this state.

The President has wide authority in the field of defense. Nevertheless, these powers are checked by the Parliament.

According to Article 94,[70] the President promotes the officers above the rank of Colonel (Army) and Commander (Navy and Air Force), at the recommendation of the Minister of National Defence.[71]

Parliamentary control is regarded as the "most complete, complex, incisive of all forms of control" exercised by public authorities over the armed forces.[72] The Parliament approves any statutory regulation pertaining to the armed forces and the fundamental documents on national defense (defense doctrine). Any stationing of

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[70] Ibid.

[71] In Romania, Commander is the equivalent for Navy Captain or Air Force Colonel.

[72] See "The Parliament," in *Romanian Ministry of National Defence Website*, available [online] at <http://mil.logicnet.ro/41200e.htm> [25 May 1998].

foreign forces on Romanian territory and any commitment of Romanian military personnel and/or equipment is subject to prior parliamentary approval, on a case-by-case basis. Finally, the Parliament exercises the "power of the purse." According to Article 19 of the Law 45 on the National Defence of Romania,

> The expenditure necessary to the organization, equipment, mobilization, maintenance and training of the active armed forces and of the reserve forces, and those for the financing of investment works of the armed forces shall be granted from the State budget *and from other funds legally constituted.*[73]

The standing Defence, Law enforcement and National Security Committees examine in depth all defense issues prior to plenary debates.

Another body with attributions pertaining to national defense deserves special attention, since it commands extensive powers. The Supreme Council of National Defence (SCND) submits for parliamentary approval:

a) The fundamental conception of defence of the country;
b) The structure of the national defence system;
c) The declaration of the state of war;
d) In wartime, suspension of hostilities, conclusion of an armistice or cessation of the state of conflict.

The SCND examines situations likely to necessitate:

a) the general organization of the national defence system components;

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[73] Ibid., emphasis added. It is obviously a loophole, albeit not a serious one, since it stipulates "legally constituted."

b) measures necessary for rejecting the aggression in crisis or at war;

c) the plan for the mobilization of the national economy in the first year of war;

d) dislocation and re-dislocation of great units on the national territory in peacetime;

e) long-term procurement programmes;

f) prognosis studies pertaining to the organization of the military industry;

g) plans for the cooperation between the Ministry of Internal Affairs and the Ministry of National Defence and their implementation;

h) plans for the intervention of the Ministry of Interior and of the Ministry of National Defence in case of disasters;

i) basic guidelines in the field of international military relations;

j) the mandate of delegations participating in the negotiation and conclusion of agreements and treaties in the field of national defence, as well as the respective draft treaties; and

k) reports of the heads of state administration organizations with responsibilities in the field of national defence and security and the implementation of the necessary measures.[74]

The SCND is chaired by the President and the Prime Minister acts as Vice-Chairman. Other members are: the Minister of Defense, the Minister of Interior, the Minister of Foreign affairs, the Minister of Reform, the head of the Political Analysis Department of the Presidency of Romania, the Director of the Romanian Intelligence Service, the Chief of the General Staff, and the Director of the Foreign Intelligence Service.

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[74] See "The Supreme Council of National Defence," in *Romanian Ministry of National Defence Website*, available [online] at <http://mil.logicnet.ro/41270e.htm>[25 May 1998].

The Supreme Council of National Defence is a powerful body within the central public administration whose role and influence extends far beyond the debating and setting of high level policy and strategy. Its attributions appear to allow for what we might consider to be micro-management of all areas of business within those State bodies that have responsibilities in the area of national defense and security, including the Ministry of National Defence.

The spectrum of emergency situations requiring a coordinated government response range from natural disasters to responses to ensure national survival against external aggression, with internal unrest and insurrection somewhere in the middle. Clearly the reactions and the force levels at each end of the spectrum vary greatly and the commitment of Army forces will vary proportionally as will the designated lead authority.

The employment of one supra-governmental body like the SCND to coordinate these responses places total power in the hands of such a body. It could be argued that democratic checks and balances could be more effectively ensured by the employment of separate councils for internal and external affairs. While there would be a danger of such a structure being less efficient than a unitary body, the increased level of transparency may be a price worth accepting.

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The advantage in centralizing defence and security co-ordination under one body would be the ability to respond rapidly to emergency situations requiring action by more than one government department. The design of the Supreme Council of National Defence anticipates both the current Constitution and form of government. Although its initial focus was towards crisis response, its role has expanded to a point where much of its business could be termed more routine in nature.

The Ministry of National Defence is the central body of the executive which is tasked to organize, direct and guide activity in the defense field with the aim of ensuring Romania's independence, sovereignty and territorial integrity, and constitutional order. It is obliged to observe and implement laws, decrees, Government decisions, and decisions made by the Supreme Council of National Defence.

The first civilian Minister of National Defence was appointed in March 1994. This incumbent was not an elected representative. Following the general election a new Minister was appointed in December 1996 who is an elected representative. The Minister is responsible before the Government and Parliament for the entire activity of the Ministry of National Defence, of which the General Staff is

an integral part. Therefore, the Minister can issue

mandatory instructions to military personnel through the

military chain of command. As a member of the Supreme

Council of National Defence, he is also representative to

that body. He represents the Ministry in its relations with

superior public authorities and other government departments

in Romania, and with the defense ministries of other

countries.

The current organizational structure of the Ministry

has a number of Directorates and offices reporting directly

to the Minister.[75] They include the Advisors' Group to the

Minister of National Defence, the Minister's Cabinet, the

Human Resources Directorate, the Public Relations

Directorate, the Financial Directorate, the Minister's

Control Group, and the Military Protection and Safety

Directorate. The Minister is directly responsible for

coordinating the activities of the National Defence

College.[76] In his other areas of responsibility the Minister

works through the Chief of the General Staff, two other

State Secretaries and an Inspector General.

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[75] See "Structures subordinated to the minister of national defence," [sic] in *Romanian Ministry of National Defence Website*, available [online] at <http://mil.logicnet.ro/6100100e.htm>[24 May 1998].
[76] The National Defence College was established in 1993 with a dual mission: to familiarize the potential civilian officials with defense and security issues, and to introduce senior military officers

The Chief of the General Staff is the senior military commander of the Romanian ground, air and air defence, and naval forces. He is subordinate to the President as Commander in Chief, and to the Minister of Defence and the Supreme Council of National Defence for the peacetime direction of the Armed Forces. While the post is equal in status to a State Secretary, the incumbent is appointed for a period of four years by the President of Romania, at the suggestion of the Minister for National Defence and with the agreement of the Supreme Council of National Defence. The defence establishment sees this as an important step to ensure the political neutrality of the senior military command and to provide a degree of continuity in military matters on change of government.

There is an imbalance between the planning inputs of the General Staff and the ministerial level within the Ministry of National Defence. The defence planning cycle has been budget based with the General Staff formulating their resource requirement according to their perception of the national defence and security needs. Parliament, through the defence committees, was asked to endorse the requirements and expenditure that were monitored by mechanisms such as the Audit Court. While the planning process was conducted

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to civilian control. In addition, journalists are encouraged to attend

under ministerial supervision and with the approval of the Supreme Council of National Defence, the impetus was driven from below rather than led from above. There would be advantages in setting up mechanisms to clearly establish endorsed defence policy and planning assumptions that, with parliamentary approval, could form the basis of short and long term planning in the future.

D.   CONCLUSION

The information available leads to three main conclusions. The first one is related to the proclivities of the officer corps, as far as its involvement in politics is concerned. The historical record enables the observer to safely assume that in Romania, the officer corps has been historically committed to civilian control and has a strong democratic credo (manifested through an ingrained feeling of responsibility to the society).

The second set of conclusions is devised against the background of Agüero's criteria for civilian supremacy. To a certain extent, the first three criteria are met. There is a "habituation" of the officer corps with the new version of civilian control. The prerogatives of the public authorities are clearly delineated, both in the Constitution adopted by

the NDC.

referendum in December 1991 and in organic laws. The author was not able to locate (as an inside observer) any overt challenge by the military against the civilian leadership between 1990 and 1998. As an example of a major contentious decision implemented by the civilian authorities (criterion four in Agüero), one could mention that the current Chief of the General Staff was appointed over a certain opposition of the top brass. He was not regarded as qualified, due to his rather junior position and his age. Nevertheless, his credentials are quite impressive,[77] so the President decided to ignore the grumbling. Therefore, employing Agüero's criteria, civilian supremacy is a fact of life in Romania.

The model developed by Simon provides a means to determine whether the control exercised by the civilians is effective. It is this student's opinion that separation of powers between public authorities is clear-cut and there are no overlaping or competing authorities. The line of command, both in peacetime and at war, is straightforwardly defined.

Parliamentary oversight is present and effective. The Standing Committees operations have improved significantly, and the one in the lower house is chaired by the former Secretary of State and Head of the Defence Policy

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[77] For his CV, see "Secretary of State and Chief of General Staff," in *Romanian Ministry of National Defence Website*, available [online] at <http://mil.logicnet.ro.mil/3300000e.htm>[25 May 1998].

Department. The purview of the civilian ministry of defense is quite impressive, and it deals with: defense planning, military counter-intelligence, personnel and training. As far as the restoration of military prestige is concerned, the military still ranks very high in all opinion polls. A genuine improvement of the military self-image is still a question for the future, in a time of shrinking defense budgets. An evaluation of Simon's criteria applied to Romania points out a fairly effective civilian control of the military.

IV. ROMANIA'S TRANSITION PROCESS

A.   THEORETICAL BACKGROUND

A host of theories compete to provide satisfactory
explanations of what is described by Samuel Huntington as
"democracy's third wave." The prevailing trend seems to
emphasize the role of "strategic interactions and
arrangements among élites, conscious choices among various
types of democratic constitutions, and electoral party
systems."[78] Comparatively less attention is paid to the
preconditions for establishing a viable democracy.
Nevertheless, one should not dismiss the latter too easily.

This chapter analyzes the present democratization
process in Romania.[79] Usually, scholars single out Romania
and Bulgaria as polities with little or no democratic
tradition prior to World War II, as opposed to the Central
European nations and the Baltic States.[80] Czechoslovakia is

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[78] Doh Chull Shin, "On the Third Wave of Democratization," in
World Politics 47 (October 1994), p. 139.

[79] Consisting, according to Shin, of four phases: (1) decay of
authoritarian rule, (2) transition, (3) consolidation, and (4) the
maturing of a democratic political order. See Shin, p. 141. There are
two main problems with the process, as Shin rightly notes: one nation
can "freeze" in a perpetual transition, or democracy can collapse even
after "consolidation," due to a combination of factors.

[80] The study undertaken by Linz and Stepan shares this opinion and
employs it to justify Romania's "exceptionalism." See Juan J. Linz and
Alfred Stepan, *Problems of Democratic Transition and Consolidation:
Southern Europe, South America, and Post-Communist Europe* (Baltimore,
Maryland: John Hopkins University Press, 1996), p. 344.

cheered as the single full-fledged democracy in the region.
This section shall employ both the historical record and
recent developments to investigate the prospects for
democracy in Romania. The intention is to predict the
outcome of the democratization process, namely its chances
of consolidation.

There is a plethora of definitions of democracy, but
the one provided by Tony Smith is both comprehensive and
simple:

> A democracy is a political system institutionalized
> under the rule of law, wherein an autonomous civil
> society, whose individuals join together voluntarily
> into groups with self-designated purposes, collaborate
> with each other through the mechanisms of political
> parties and establish through freely contested
> elections a system of representative government.[81]

Nevertheless, as Russett duly notes,[82] rating
democracy, and especially the degree of representiveness, is
a tenuous endeavor. Thus, employing the cases of the United
States and Great Britain, he qualifies as democratic a
country with 10 percent of all citizens eligible to vote
before the end of the nineteenth century. Only by the middle
of this century is universal franchise required to qualify.
One should note the issue of variance between present and

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[81] Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century* (Princeton, NJ: Princeton University Press, 1995), p. 13.

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past coding of democracies. Criteria are not static, and a

country rated as democratic by its contemporaries, may be

discarded, with the benefit of hindsight, as

authoritarian.[83]

Dawisha and Parrott provide a useful roadmap for

investigating Romania's transition process:

> 1.What are the key elements of the pre-communist
> historical legacy of each country?
> 2.What are the key elements of the legacy of the
> communist era?
> 3.How did the nature of transition from
> communism...affect the formation of intermediary
> associations and parties in the early post-communist
> period?
> 4.In the post-communist selection of government
> leaders, what has been the importance of competitive
> elections and other forms of citizen political
> participation compared with the threats of violence and
> the use of violence? *Have military officers or the
> political police played a significant role in the
> transition process?*
> 5.What political forces and calculations shaped the
> late-communist and especially the post-communist
> electoral legislation and the timing of elections?
> 6.What are the main social and ethnic cleavages in
> post-communist society?[84]

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[82] See Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton, NJ: Princeton University Press, 1995), p. 15.

[83] There might be a hidden motive in depicting an opponent as non-democratic. See for a comprehensive approach of the issue, Ido Oren, "The Subjectivity of 'Democratic' Peace: Changing U.S. Perceptions of Imperial Germany," in Michael E. Brown, Sean M. Lynn-Jones, and Steven E. Miller, Eds., *Debating the Democratic Peace* (Cambridge, Massachusetts: MIT Press, 1996).

[84] Karen Dawisha and Bruce Parrott (Eds.), *Politics, Power, and the Struggle for Democracy in South-East Europe* (Cambridge, UK: Cambridge University Press, 1997), p. 453, emphasis added.

A brief overview of Romania's modern period (that is, from the early nineteenth century to the establishment of Communist rule) reveals a case of unfinished modernization.[85] The establishment of democratic rule has been, complying with Shin's interpretation, elite driven. The institutions and, to some extent, the procedures of democratic rule were present, but, due to specific conditions, the middle class in pre-communist Romania was never strong enough to drive democracy to its consolidation stage. Following the three criteria set by Linz and Stepan this study argues that democratic consolidation is the consequence of these developments.

> — Behaviorally, a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or turning to violence or foreign intervention to secede from the state.
> — Attitudinally, a democratic regime is consolidated when a strong majority of public opinion holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life in a society such as theirs and when the support for anti-

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[85] An excellent account of the process is presented in Keith Hitchins, *Romania 1866-1947* (Oxford: Clarendon Press, 1994). For a broader perspective, see: Florin Constantiniu, *O Istorie Sincera a Poporului Român* (Bucharest: Univers Enciclopedic, 1997), and Vlad Georgescu, *The Romanians: A History* (Columbus, Ohio: The Ohio State University Press, 1991). The following considerations draw mainly form Hitchins. There is no agreement by Romanian historians of the proper date for this event. December 30 1947, the day of King's Michael abdication and the ensuing creation of the People's Republic, seems proper to qualify as landmark, since the monarch was the last symbol of the former democratic period.

system alternatives is quite small or more or less isolated from the pro-democratic forces.

— Constitutionally, a democratic regime is consolidated when governmental and nongovernmental forces alike, throughout the territory of the state, become subjected to, and habituated to, the resolution of conflict within the specific laws, procedures, and institutions sanctioned by the new democratic process.[86]

B. FROM THE CREATION OF MODERN ROMANIA TO THE IMPOSITION OF COMMUNIST RULE

It is impossible to analyze here in great length the history of Romania. However, some events are of particular relevance for Romania's democratic development, and must be mentioned. The 1859 Paris Convention set a fundamental law for the principalities of Moldova and Wallachia under Ottoman suzerainty. In 1859 the principalities were reunited under Prince Alexander Cuza, who reigned until 1866, and who submitted in 1864 a *Statut* curtailing the powers of the legislature in favor of the executive and setting the essence of Romanian constitutionalism in the person of the prince.

Between 1866 and 1914 Romania was ruled by Charles of Hohenzollern-Sigmaringen.[87] His branch of the Prussian

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[86] See Linz and Stepan, p. 6.
[87] Romania gained independence in 1878, due to is participation to the Russo-Turkish war. It was created a kingdom in 1881. See Constantiniu, pp. 229-260.

dynasty was to rule Romania until 1947, with an interlude between 1940 and 1944. King Charles' major achievement was the Constitution of 1866, "resembl[ing] liberal fundamental laws in place in Western Europe…both in form and in substance."[88] Nevertheless, the representative nature of constitutional rule was questionable, since property qualifications and its indirect nature (through electors) affected the franchise. The king retained significant authority and his role in the legislative process was decisive. The political scene was controlled by two major parties: the Conservatives (the great landowners), and the Liberals who reflected the interests of a coalescent bourgeoisie and tried to bring Romania to the mainstream of European economic and social life. Since the economy was overwhelmingly rural, the Liberals had to employ the state as a tool to create a bourgeoisie worthy of the name.[89]

The wake of World War I brought significant changes: Romanian provinces and territories occupied by foreign powers[90] became part of the kingdom, universal franchise was adopted and a comprehensive land reform was implemented.

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[88] See Hitchins, pp. 18-19.

[89] Following the classic mercantilist approach. Their motto was "By ourselves," mirroring their proclivity for protectionism in favor of infant industries.

[90] Transylvania (which was occupied by Hungary in the early tenth century), Bessarabia (occupied in 1812 by Russia), and Bukovina (seized by Austria in 1774).

Romanian society was confronted with a series of structural challenges: the completion of state building, the creation of a political society able to accommodate universal suffrage, and economic recovery after the war. State building was particularly difficult to achieve and one problem still lingers today, namely the integration of the Hungarian minority. Until 1918 Romania was particularly homogeneous (92.1 per cent ethnic Romanians, 3.3 per cent Jews, and other smaller minorities). In 1930, the Romanians were still the substantial majority of the population (71.9 per cent, mainly of Orthodox persuasion), but there was a new minority formed by Hungarians (7.2 per cent), Germans (4.1 per cent), Jews (4 per cent), and Ukrainians (3.2 per cent).[91]

The Constitution of 1923 "promised extensive civil liberties and political rights to all citizens, but it left the details of precisely how these liberties and rights were to be exercised to the legislature."[92] The political landscape witnessed significant changes: land reform

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[91] The change of status from one of the two titular nations in Austro-Hungary to a minority status was quite unpalatable to the Hungarian élites. The Jews, who represented one of the most dynamic stratum of the Romanian society, did arrive in great numbers only after 1812, mainly from Russia. Despite allegations, anti-Semitism was never a mass phenomenon in Romania. However, the Jewish entrepreneurial spirit was resented in a patriarchal society, and after the 1929-33 depression, some anti-systemic forces were able to accrue support using the Jews as scapegoats.
[92] Hitchins, p. 410.

destroyed the Conservatives' economic base, while the
Liberals enjoyed a boost due to the growth of industry. A
new force, the National Peasantist Party (left of center)
resulted from the union of the Romanian National Party[93] and
the Peasantist Party. On the left of the political spectrum,
the Social Democratic Party had a limited impact, since the
urban population reached only 18 per cent in 1939. The
Communist Party was a political outcast, since it was
affiliated to the Comintern and advocated the dismantling of
Romania. Founded in 1921, it was banned in 1924. Its peak
membership was estimated at 2,000. The main "behavioral"
threat came from the right side of the political spectrum.[94]

The "democratic experiment" of 1919-1930, as Hitchins
calls it, collapsed due to a combination of external and
internal factors. The emergence of revisionism of the
Versailles treaty[95] and the disintegration of collective
security (Romania was one of the victims of appeasement)
compelled Romania to abandon its traditional pro-French and
pro-British policy and to orbit towards Germany, who had
become its main economic partner. The main responsibility

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[93] The bulwark of Romanian resistance in Transylvania.

[94] The Iron Guard, formed in 1927 as the Legion of Archangel
Michael, and professing a vociferous anti-Semitism, combining Fascist
and Nazi influences with Orthodox symbolism, commanded at its peak (the
1937 elections) 15 percent of the vote. See Hitchins, pp. 403, 425.

[95] Three of its five neighbors harbored revisionist designs
against Romania (Hungary, the Soviet Union, and Bulgaria). The other two
fell prey to revisionism (Czechoslovakia and Yugoslavia).

still lay with King Charles II, a political adventurer, who usurped[96] the throne in 1930, with the goal of undermining the system and establishing his own authoritarian rule. He succeeded in 1938, but due to significant territorial losses, he was forced to abdicate in September 1940. General Ion Antonescu assumed power and instituted a military dictatorship in January 1941.[97]

Despite universal male suffrage, a democratic constitution, and other significant achievements, Romanian inter-war democracy was still far from consolidated. The ruling party was able to employ all state structures to control the outcome of elections, and elections were usually accompanied by outbursts of violence. Moreover, the lack of a strong middle-class deprived the democratic system of a stronghold to prevent sliding towards authoritarianism.

Romania joined the Allied camp on August 23, 1944. Antonescu was deposed by a coup congregating improbable associates: the National Peasantists, the Liberals, the Social Democrats, and the Communists. King Michael assumed power, and the 1923 Constitution was reinstated. To speculate upon the chances of resuming democratic

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[96] A regency in the name of his son Michael ruled the country.
[97] After a brief cohabitation with the Iron Guard, he came on a collision course with the organization, due to their ineptitude and excesses. "Antonescu made order and security…the reason of being for his regime." Hitchins, p. 468.

development after 23 August would be an exercise in
futility. Nonetheless, one shall mention the Romanian
people's commitment to a fresh start with democracy, even in
these adverse circumstances. The democratic forces won the
elections of November 1946 with a landslide support, but the
Red Army-backed Communists "revised" the results.[98]

Romania was to enter—against her expressed will—half a
century of Communist rule.[99]

C.   THE SULTANISTIC REGIME

In order to address the questions raised by Dawisha and
Parrot, Linz and Stepan provide a valuable analytical
framework. Their interpretation provides a perceptive
elucidation of Romania's democratization process. They
conclude that Romania under Nicolae Ceausescu (1965-1989)
met all conditions attributed by Weber[100] to sultanistic
regimes:

> Patrimonialism and in the extreme case, sultanism tend
> to arise whenever traditional domination develops an
> administration and a military force which are purely
> personal instruments of the master…. Where
> domination…operates primarily on the basis of

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[98] See Hitchins, p. 533.
[99] On the armed resistance against the communists, see
Constantiniu, pp. 478-450. For interesting accounts of the Soviet
occupation of Romania and subsequent installation of communist rule see
Georgescu, and Alex P. Schmid, Soviet Military Interventions since 1945
(New Brunswick, New Jersey: Transaction Inc., 1985).
[100] Max Weber, Economy and Society: An Outline of Interpretive
Sociology (Berkeley: University of California Press, 1978), quoted in
Linz and Stepan, p. 51.

discretion, it will be called *sultanism*... The non-traditional element...consists only in the extreme development of the ruler's discretion, distinguish[ing] it from every form of rational authority.

Linz and Stepan dovetailed a taxonomy of non-democratic regimes (authoritarian, totalitarian, post-totalitarian, and sultanistic) with five major aspects of modern consolidated democracies[101] (civil society, political society, rule of law, state apparatus, economic society) to infer the tasks for democratic consolidation. In all five aspects, a polity undertaking a transition from sultanism to democracy is rated low or low to medium.[102] They duplicated the process for the implications of prior non-democratic regime upon the transition path, but at this point, their description of the Romanian case is a bit oversimplified. The path, "Interim government after regime termination not initiated by regime (coup by nonhierarchical military, armed insurgents, or mass upraising and regime collapse)" should lead to a government dominated by groups associated with the sultan who claim popular legitimacy to carry out reforms and postpone elections ("non-democratic power").[103]

The sultanistic evolution of the Communist regime in Romania is connected to several factors:

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[101] See Linz and Stepan, pp. 7-15.
[102] Ibid., p. 56.
[103] Ibid. p. 58.

- the proficient manipulation of party structures by Ceausescu, ending the nascent trend towards collegial leadership in the Romanian Communist Party (and subsequently preventing any attempt at destalinization);
- a maverick foreign policy, capitalizing on Ceausescu's opposition to the 1968 Soviet invasion of Czechoslovakia, as well as on several other independent actions against the Moscow line (strictly obeyed by the rest of the Warsaw Pact);
- a "capture of nationalism" (read aversion towards the Soviet Union), which demoralized for a long time the domestic opposition and deprived it of external support;
- the pervasiveness and ruthlessness of the *Securitate* (the secret police).[104]

Ceausescu's family controlled a host of key positions, while his rule became increasingly personalistic. He almost single-handedly designed "citadels," actually inept and huge industrial and architectural projects, and implemented a nefarious pro-natalist anti-abortion policy.

As Linz and Stepan aptly note:

These totalitarian and sultanistic tendencies combined to make all individuals, groups, and institutions permanently subject to the sultan's arbitrary intervention. The essence of sultanism is that no one is free from the exercise of despotic power by the sultan…. This extreme pluralization of power inevitably

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[104] Moreover, "in the 1970s radical re-Stalinization characterized by domestic corruption and abuse" occurred. See Peter Cipkowski, *Understanding the Collapse of Communism in Poland, Hungary, East Germany, Czechoslovakia, Romania, and the Soviet Union* (New York: John Wiley & Sons, 1991), p. 123. Ceausescu refused to break diplomatic relations with Israel after 1967, was the first to initiate relations with the Federal Republic of Germany, and sided with Beijing in the Sino-Soviet dispute. All these alignments commanded unrestricted support by "[l]eaders from De Gaulle to Nixon." See Linz and Stepan, p. 348, and Vladimir Tismaneanu, "Romanian Exceptionalism? Democracy, Ethnocracy, and Uncertain Pluralism in post-Ceausescu Romania," in Dawisha and Parrott, pp. 412-413.

mean that there was no degree of institutional autonomy or pluralism in Romania.[105]

Unlike any other Warsaw Pact country, Romania did not leave room for a "second culture." Almost all forms of dissent were limited to elite circles, employing "coded language." The regime went to great lengths to develop an ideology, employing "highly arbitrary symbols" in order to vivify the "extreme glorification of the leader." Ceausescu's cult of personality was officially launched after his trip to China and North Korea in 1971.

Against these long odds, there were three cases of open opposition to Ceausescu's rule: the coal miners revolt in August 1977 (due to a planned revision of retirement legislation), a demonstration by workers in Brasov (Romania's second largest city) in November 1987, and the so-called "Letter of Six" in March 1989. The "group of six" consisted of former top Party officials, including a former minister of foreign affairs and one of the founding members of the Romanian Communist Party. The miners were co-opted by expeditious (albeit limited) measures to improve their plight, as well as by a jester-like display of Ceausescu as Romania's 'first miner.'[106] The Brasov protest was swiftly

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[105] Linz and Stepan, p. 351.
[106] Adjoined by proletcultist bravado, this moment led to the consolidation of a 'working class vanguard' mentality among the miners,

crushed and its leaders were deferred to show-trials in the best Stalinist tradition. The group of six shared a different plight, due to the dual nature of Communist justice. They were never brought to trial, but were confined to house arrest.

At the end of the 1980s, the failure of "performance legitimacy" by the regime was conspicuous:

> Peasants had to travel to towns to find food; in winter people had to cook in the middle of the night because there was no gas during the day. People spent many hours each day lining up for the most basic food and household items, frequently discovering that none were available. Monthly rations of meat, cooking oil, and sugar were often cut…. Men were taxed if they and their wives failed to produce children.[107]

In Romania, a peaceful change of regime was not an option, since two crucial actors were missing: (1) "organized, nationally known, and nonviolent democratic groups in civil and political society," and (2) "soft-liners in the regime who have the desire and autonomy to negotiate a 'pacted reform.'"[108] Indeed, Ceausescu withstood Gorbachev's exhortations to embark upon a reformist track.[109]

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still present today and responsible to a great extent for their outbursts of violence after 1989.

[107] Cipkowski, p. 120.

[108] Linz and Stepan, p. 365.

[109] Some authors suggested that Ceausescu represented an "ideal negative type," to be used in Gorbachev's Western public relations campaign to advertise perestroika. See Jacques Lévesque, *The Enigma of 1989: The USSR and the Liberation of Eastern Europe* (Berkeley, CA: University of California Press, 1995), p. 193.

Schmitter also argues that the mode of transition to democracy has some bearing on the consolidation process:

> Differences in the level of mass mobilization (as opposed to elite domination) and in the extent of violence (opposed to negotiation) produce variations in constraints and opportunities. The most favorable context for an eventual consolidation is a "pacted transition" in which élites from the previous autocracy and its opposition reach a stalemate and find themselves compelled to respect each other's interests. The least favorable is a revolution, with mobilized masses using force to topple the *ancien régime*.[110]

A comprehensive and satisfactory account of the December 1989 Revolution is still wanting. Suffice it to say that the Revolution had both domestic and external determinants.[111] The wave sweeping across Eastern Europe[112] was followed throughout Romania via Radio Free Europe and television stations of the neighboring countries, and the powder keg needed only a spark.[113] The coercive forces (*Securitate* and other Ministry of Interior forces, backed by

[110] See Philippe C. Schmitter, "Dangers and Dilemmas of Democracy," in Diamond and Plattner (Eds.), *The Global Resurgence of Democracy* (Baltimore, Maryland: John Hopkins University Press, 1996), p. 84.

[111] For a documented review see Lévesque, pp. 191-204. Nevertheless, other authors refute his confidence in the absence of Soviet involvement in Czechoslovakia, pivotal to his theory. "It is now established beyond the shadow of a doubt that the celebrated "Velvet Revolution" was prepared by an understanding between General Alois Lorenc, chief of Czechoslovak secret police, and General Victor Grushko, who contrived the scenario…." See Constantiniu, p. 534.

[112] Huntington notes the "snowballing" effect in the case of Romania. See Samuel P. Huntington, "Democracy's Third Wave," in Diamond and Plattner, p. 7.

[113] Provided by the eviction of a Hungarian Protestant pastor in the border city of Timisoara. Strangely enough, since his parish was tiny (the Hungarian minority in the city counts for less than 6 percent of the population), and the Romanians never protested before when hundreds of their churches were razed.

detachments of the army) were not able to contain or to

crush the demonstrations started on the 17th of December,

and on the 22nd of December, after a bloodbath, the Army

joined the demonstrators in the streets of Bucharest. The

Ceausescu couple fled the city the same day, only to be

captured, submitted to a mock trial and made to meet their

maker in front of a firing squad.

D.   THE TRANSITION TO DEMOCRACY: 1990-

Power was assumed by the National Salvation Front,[114] an

eclectic organization, a self-styled "emanation of the

healthiest forces of the Revolution," as its manifesto, read

by its leader Ion Iliescu, put it.

> In its first statement, the Front announced a
> commitment to democratic principles—including a multi-
> party system—and the need to organize free elections as
> soon as possible. The Front claimed to represent a
> decisive break with the abhorred Communist regime.
> Next, the Romanian Communist party disappeared without
> a trace from the country's political life.[115]

The transition to democracy was not to be without

accidents. Iliescu, a former Party official who fell into

disgrace in 1971 for "intellectualism," advocated a

"democratic model without pluralism."[116] His ability to

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[114] First appearance in a broadcast on Free Romanian Television, on
December 23.
[115] Cipkowski, p. 139.
[116] "In this, he was echoing not only Gorbachev's opposition to a
multi-party system, but also the political philosophy of the NSF's

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channel the "movement of rage" towards the abuses of the "sinister dictator and his heinous wife"[117] and to "eliminat[e] the most egregious measures personally associated with the sultan, as well as the control over the electronic media, granted him and the NSF a landslide victory in the 20 May elections."[118] One should not downplay the extent of support gained even with marginal improvements of the standard of living. After the deprivations of the Ceausescu era, a "big-bang" approach or shock therapy was not extremely popular. The gradual transition with a strong safety net (advocated by the NSF) was music to the ears of the electorate. It was hard to ignore the fact that people who first became active in politics before 1947 led "historical parties".[119] While providing solid democratic credentials, their advanced age (sometimes adjoined by a long exile) made them sound out of tune with the average voter.

The political stage was effervescent: more than 150 parties registered, although the majority were ephemeral.

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principal thinker, communist veteran Silviu Brucan, one of the authors of the 'Letter of Six.'" Ibid., p. 140.

[117] Comment during the broadcast of the execution of the Ceausescus on the Free Romanian Television.

[118] 85 percent of the presidential vote, and 66 percent of the parliamentary vote. See Linz and Stepan, p. 360. The Parliament was actually a Constitutional Assembly, elected for a two year mandate (instead of four) to draft a new constitution.

Few were of consequence: the Liberals (which are still undergoing a process of splintering and realignment), the National Peasantists (with a Christian-Democrat addition to their doctrine and name), the Magyar Democratic Union of Romania, the nationalist parties (Romanian National Unity Party, Greater Romania Party), and the Civic Alliance.[120]

The sultanistic rule left behind "a complete lack of…*political society*."[121] Political life acquired a "ritualized, theatrical character," carried on in the street for the best part of 1990 and accompanied by a series of outbursts of violence.[122] The most calamitous were attributable to the coal miners, and took place in June 1990 and September 1991. The first incident put an end to a long sit-in in the University Square,[123] while the second incident

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[119] The National Peasantists, the Liberals, and the Social Democrats were called "historical parties" to underline their continuity.

[120] As the name denotes, a civic association, gathering some of the prominent cultural figures and leading intellectuals, but with virtually no appeal to the masses, due to its elitist discourse.

[121] "It is one thing to overthrow a dictatorship; it is another to participate in the establishment of a democratic public sphere and of civil society." Gail Kligman, "Reclaiming the Public: A Reflection of Creating Civil Society in Romania," in *East European Politics and Societies* 4, no. 3 (1990): 393-437, citation from 410-411 in Linz and Stepan, p. 362.

[122] The first occurred on January 29, when NSF supporters conducted a rally to counter one by the opposition. A more serious one, borne of ethnic tensions, led to bloodshed in Targu-Mures, a city with mixed population (Romanian, Hungarian, and Gypsy). The celebration of 15 March 1848 (when the Hungarian Diet proclaimed the incorporation of Transylvania into Hungary) escalated into violent encounters until the demonstrators were separated by army detachments.

[123] The sit-in began on 22 April and, for all practical purposes, blocked the hub of Bucharest transportation. The miners' violent intervention on 14-15 June is widely regarded as the "smoking gun" of

ended with the demise of the Petre Roman cabinet (formed after the 1990 elections).

The new constitution was adopted by referendum in November 1991. It favored a relative strong presidency. It was obvious that in the case of Romania the argument of the advocates of parliamentarism (that parliaments have stronger democratic credentials than presidential systems) does not hold water, at least for the 1990 elections. According to the Constitution, the President is required to abandon party membership before assuming his office. The early adoption of the Constitution is credited for preventing strong institutional struggles, despite an "alarmingly confrontational political culture."[124] Proportional representation (with a 3 percent threshold established since the 1992 elections) was both a curse and a blessing: it reinforced political fragmentation, but supported the integration of the Hungarian minority.[125]

The elections of September 1992 were a quite similar story, since president Iliescu won re-election under the new constitution and the Social Democracy Party of Romania

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Iliescu's non-democratic behavior (see for instance Linz and Stepan, p. 361). Precious little is mentioned about the violence perpetrated by the demonstrators a day before, when the Romanian TV building, the Police and Romanian Intelligence Service headquarters were destroyed and burned. The factors behind the 13 June skirmish are unclear.

[124] See Ian Zielonka, "New Institutions in the Old East Bloc," in Diamond and Plattner, pp. 205-224.

(SDPR) won a plurality with relative ease.[126] The united

democratic opposition (the Democratic Convention) was unable

to mount an united campaign, or to find a prominent

political figure: Emil Constantinescu, the opposition

candidate, won only 31 percent of the popular vote to

Iliescu's 61 percent. The civil society, despite extensive

democratic assistance from abroad, was still weak, the rule

of law fragile, and most political tendencies (Social

Democracy, Liberalism) compromised. To add insult to injury,

the irredentist discourse by the Hungarian Democratic Union

boosted the nationalist parties' appeal, and for most of its

mandate, the SDPR had to rely on support from the

nationalists and the Labor Socialist Party.[127]

Still, irreversible forces were unleashed, advancing

Romania to the November 1996 watershed. The opposition

started to "articulat[e] their views and address relatively

predictable political constituencies." After 1993, strong

independent electronic media broke the government monopoly

on national television, and the extremist print media became

a marginal phenomenon, while all major newspapers were

outspoken critics of the government. The economy seemed to

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[125] See Jaques Rupnik, "The Post-totalitarian Blues," in Diamond and Plattner, p. 375.
    [126] Containing the bulk of the former NSF, the SDPR was founded after a more liberal wing, led by former Premier Roman created the Democratic Party (which eventually joined the opposition camp).

recover. Moreover, due especially to his quest to be
recognized as a genuine democrat and thus to enhance
Romania's odds in the competition for NATO (and EU)
integration, Iliescu broke his alliance with the
nationalists.[128] It is worth mentioning that in 1996, after
countless tribulations, the state treaty with Hungary was
signed.[129]

According to Tismaneanu, the problems haunting
democratization in Romania, with possible influence upon the
outcome of the 1996 elections, were:

> The still low level of civic culture; the fragility of
> the democratic institutions; the inchoate and
> provisional nature of the political parties and their
> ideological preferences; the persistence of a mass
> psychology of nostalgia for collectivist forms of
> social protection; the growing public dissatisfaction
> with the effects of half-hearted reforms; the endurance
> of the communist methods in the functioning of
> important institutions, including the presidency, the
> Supreme Defence Council, the army, the Romanian
> Intelligence Service and the [state-controlled]
> television; and the failure to launch a serious
> discussion of the country's precommunist and communist
> experiences.[130]

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[127] See Linz and Stepan, pp. 362-364.

[128] See Tismaneanu, "Romanian Exceptionalism...," pp.438-439.

[129] None of the countries wanted to jeopardize its record for NATO integration, and having settled all disputes with the neighbors ranked quite high among the admission criteria.

[130] Tismaneanu, p. 439. According to Michael Shafir, "Many reforms were delayed or stymied or delayed by the 'partocracy-directocracy'— a term that analysts have coined to describe the Ceausescu-trained managers who run Romania's large state industries and dominate much of the country's economic and political life for their own benefit." See Michael Shafir, "Romania's Road to 'Normalcy'," *Journal of Democracy* Vol. 8, No. 2, April 1997. As I tried to demonstrate, the armed forces were actually one of the first societal subsystems to cast off its Communist mold.

The election outcome signaled a return to normalcy, the first time since 1937 that Romanians were changing their government by ballot. The Democratic Convention abandoned its previous strong anticommunist message, adopting instead a "Contract with Romania," which granted them a plurality of the votes (30.2 percent for the Chamber of Deputies, 30.7 for the Senate). They were to form a coalition government with Roman's Social Democratic Union (12.9 and 13.2 of the vote respectively), and the Magyar Democratic Union (6.6 and 6.8 percent of the vote). Moreover, Constantinescu won the presidency. "The vote was as much a protest against social and economic crises as an expression of the mass expectation for change."[131]

The tasks confronting the new government are, according to Tismaneanu:

> To provide the citizens with a sense of their future…, insisting on the need for public debate, implementing the rule of law and the separation of powers, and repudiating any form of ethnocentric self-glorification.[132]

E. CONCLUSION: PROSPECTS FOR THE FUTURE

A brief review of the accomplishments of the democratic government does not look very encouraging. Apparently, the

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[131] Tismaneanu, pp. 440-441.
[132] Ibid.

74

very eclectic composition of the ruling coalition contains the seeds of its current ineffectiveness. Precious time has been wasted to distributing the cabinet positions (as well as the entire central and local administration management positions) according to the ill-fated "algorithm." Each party is supposed to hold a number of positions proportionate to its number of Parliamentary seats. This process interferes with the proper functioning of the ministries, since the minister and its deputies, as well as the mid-ranking officials owe their allegiance to different parties and try to implement their respective agendas, ignoring to a large extent the cabinet's joint program. Public opinion is grown weary with the extended patronage associated with the algorithm system.

There have been several cabinet reshuffles, including the Premiership.[133] The National Peasantists are splinted between the former and the incumbent Premiers, both holding top party positions. Recrimination between the Peasantists and the Social Democrats, on the speed of economic reform, makes their co-operation anything but smooth. The Magyar Democratic Union, whose co-optation to government was widely hailed as a Romanian solution to ethnic disputes, is again

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[133] Brightening the prospects for the restoration of political stability, by alleviating at least temporarily, the inter-party

troubling the waters of Romanian political life.[134] The

economy is in its second year of contraction, with no

immediate prospect of recovery.

Romania is now confronted with the phenomenon described

by Schmitter as "corruption and decay."

> New democracies are usually born in a burst of civic
> enthusiasm and moral outrage against the corrupt
> decadence of the *ancien régime*, so that the dilemma
> [the point of the peculiar "political economy"
> hampering its legitimacy and perpetuation] only emerges
> later…Even when the thrust [of economic change] is
> toward "unleashing market forces," the process of
> accomplishing this offers very attractive opportunities
> for illicit enrichment on the part of the politicians
> who set the norms, sell the enterprises, and award the
> contracts.[135]

According to a very recent study conducted by the

Institute for Life Standards Research,[136] there is a growing

rift between the average Romanian and the political elite:

76 percent of the citizens never make contact with officials

or politicians, 50 percent do not trust politicians, while

51 percent believe that the commoner is excluded from the

political process. This phenomenon is connected to a

decrease in civic interest (compared to year 1990), since 58

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rivalries that have been obstructing reform. See "Romania: Hopes of
Stability," in *The Economist Intelligence Unit*, 11 June 1998.
    [134] Especially due to their claim for segregated universities.
    [135] Schmitter, pp. 88-89.
    [136] Quoted in "Romanii se simt tot mai putin atrasi," in *Romania
Libera*, 6 August 1998.

percent of the subjects deny any involvement in solving local issues.

The inability of the democratic regime to "deliver economic prosperity, honest and efficient government, protection for human rights, peace and security,"[137] bodes ill for the chances of democratic consolidation in Romania. A reversal to authoritarianism is not an imminent threat.[138] The most likely outcome is a perennial transition, with no consolidation in sight.

Returning to Linz and Stepan's criteria for democratic consolidation, Romania has advanced most on the constitutional axis, due to the gradual adapting to conflict resolution within the legal framework.

The behavioral level would come second, since no significant actors spend significant resources to achieve their objective by creating a nondemocratic regime or turning to violence. As far as foreign intervention is concerned, one has still to wait until the Magyar Democratic Union must desist from involving the Hungarian government in Romanian domestic issues.

The least progress has taken place along the attitudinal axis. There is no majority of public opinion supporting democratic procedures and institutions, due to

77

declining involvement in politics by the average citizen.

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[137] Shin, p.166.

V. DOMESTIC SUPPORT OPERATIONS IN THE UNITED STATES

This chapter investigates the definition of domestic political violence, the current U.S. legal framework for military intervention in cases of civilian disturbances, as well as the case of the 1992 Los Angeles riots.

A. CIVILIAN VIOLENCE

Paul Wilkinson provides an inclusive definition of domestic political violence, namely "the illegitimate use or threatened use of coercion resulting, or intended to result, in death, injury, restraint or intimidation of persons or the destruction or seizure of property."[139] He identifies several recurrent causes of domestic political violence:

> (i)   Ethnic conflicts, hatreds, discrimination and oppression;
> (ii)   Religious and ideological conflicts, hatreds, discrimination and oppression;
> (iii)   Socio-economic deprivation;
> (iv)   Stresses and strains of rapid modernization tending to accentuate;
> (v)   Perceived political inequalities, infringement of rights, injustice or oppression;
> (vi)   Lack of adequate channels for peaceful communication of protests, grievances and demands (e.g.

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[138] See Linz and Stepan, pp. 364-365.
[139] Paul Wilkinson, *Terrorism and the Liberal State* (New York, NY: New York University Press, 1986), pp. 23-24.

denial of franchise or other rights of participation, representation or access to the media);
(vii) Existence of a tradition of violence, disaffection and popular turbulence;
(viii) The availability of a revolutionary leadership equipped with a potentially attractive ideology;
(ix) Weakness or ineptness of the government, police, and judicial organs (e.g. under-reaction, over-reaction);
(x) Erosion of confidence in the régime, its values and institutions afflicting all levels of the population including the government;
(xi) Deep divisions within governing élites and leadership groups.[140]

According to Michael Wallace, two features of the American polity have shaped a peculiar pattern of collective violence. The embracing of the Horatio Alger myth (the unqualified opportunity of advancement and prosperity), and the quasi-absence—in numerical terms—of violence against the state, have kept domestic political violence "informal and private." Most frequently, collective violence's underlying cause was the inter-group contention for political resources.[141] His analysis acknowledges the prevalence of inter-group violence, "although in many instances the state did aid one of the contending sides, almost always the dominant one."[142] The state has been largely ignored as a source of discontent, due to the

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[140] Ibid., p. 37.
[141] Ibid., p. 11.
[142] Ibid., p. 22.

80

vigilante tradition—"taking the law into [one's] own hands"
—and the influence of the *laissez-faire* doctrine.[143]

Wallace's taxonomy of civil violence covers three main
divisions:

- racial violence, both repressive (e.g. the 1863
  Draft Riots in New York, or the Reconstruction in
  the South) and insurrectionary (the 1935 Harlem
  riots, or the 1960s riots);

- economic violence, i.e. the "violent suppression of
  labor by capital," the most important being perhaps
  the 1877 railroad strike and 1919 the U.S. Steel
  Strike;

- ethnic violence, related both to political
  contention among various ethnic groups (election
  riots, like those initiated by the Blood Tubs or the
  Know Nothing groups in Maryland in 1854-1856) and to
  labor disputes triggered by the arrival of new
  immigrant groups (the violent anti-Chinese campaign
  in California between 1871 and 1877).

The second type—economic violence—had even left a
distinctive imprint upon America's urban architecture. A
great wave of National Guard armory building started after

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[143] Ibid., pp. 23-24.

81

the railroad strike of 1887, "a wave that grew out of the fears of class warfare that spread over the United States in the late nineteenth century."[144]

B. LEGAL FRAMEWORK

1. The Historical Record

A study dedicated to the topic of domestic employment of federal military forces ascertains that this type of mission was one of the topics debated by the Constitutional Convention in Philadelphia in the summer of 1787. While loathing the idea of the military "as an instrument of internal control by a central government," the pre-independence record led to the

> Corollary, therefore, that any new federal government created must have a force sufficient to ensure that its laws could be enforced throughout a wide and sparsely settled territory, to take care of domestic violence or insurrection that a state's constituted authorities proved unable to handle, and indeed to settle quarrels between the states themselves.[145]

The first ninety years after independence witnessed a significant amount of involvement of the military in

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[144] Robert M. Fogelson, *America's Armories: Architecture, Society, and Public Order* (Cambridge, Massachusetts: Harvard University Press, 1989), p. 13.
[145] Robin W. Coakley, *The Role of the Federal Military Forces in Domestic Disorders 1789-1878* (Washington D.C.: The Center of Military History, United States Army, 1988), pp. 3-4.

domestic disorders, culminating in the Reconstruction era, from 1865 to 1877.

The operation —or manipulation, according to its opponents—of the military in the South, led to the adoption on 18 June 1878 of the Knott Amendment, hereinafter called the Posse Commitatus Act.

> From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a Posse Commitatus, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding ten thousand dollars or imprisonment not exceeding two years, or by both such fine and imprisonment.[146]

The gist of this doctrine is to discharge any discretion by commanders in the field, by putting the decision in the hands of the President. He would thus be the sole authority allowed to order the employment of federal troops in cases of civilian disturbances. "The President's power to use both regulars and militia remained undisturbed by the Posse Commitatus Act."[147]

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[146] Section 1385 of Title 18 of the *U.S. Code*, cited in Coakley, p. 344.

[147] Ibid.

2.   Current Status

According to the 1993 Bottom-Up Review, "the National
Guard should be the first line of defense" in cases of
Military Support to Civil Authorities.[148]

The Guard performs planning and training for civil
disturbance operations. It is the first military component
to respond, and remains in state active duty status
throughout the operation. If the situation requires it, the
Guard is ordered into federal service.[149]

> Emergency operations under federal control (e.g. the
> federalization of the California National Guard during
> the Los Angeles Riots) are conducted under the
> provisions of Title 10, USC, are authorized and
> directed by the President or other authorized federal
> officials, and are paid for with federal moneys.
> Federal missions take precedence over state missions.[150]

Supporting state officials and organizations during
domestic civil emergencies falls under the state active duty
status division. They are authorized by the state Governor
or other state officials, conducted under state laws and
constitutions, and paid by the states (with a potential
reimbursement by the federal government). The state Adjutant

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[148] Roger Allen Brown, William Fedorochko, Jr., and John F. Schank,
Assessing the State and Federal Missions of the National Guard (Santa
Monica, California: RAND, 1995), p. 25.
[149] *Domestic Support Operations. Field Manual 100-19 and Fleet
Marine Force Manual FMFM 7-10*. Washington, D.C.: Headquarters Department
of the Army, U.S. Marine Corps, p. 7-11.
[150] Brown, Fedorochko, and Schank, p. 9.

General or other appointed officers of the state National Guard exercise control.[151]

Currently, the legal guidelines for the use of the federal military and the federalized National Guard[152] in cases of civil disturbance are provided by two Department of Defense directives, *DoDD 3025.12 Military Assistance for Civil Disturbances (MACDIS)*, issued on February 4, 1994, and *DoDD 3025.15 Military Assistance to Civil Authorities*, issued on February, 18, 1997. The doctrine is stipulated by *Domestic Support Operations FM 100-19*.

DoDD 3052.12 defines civilian disturbances as

Group acts of violence and disorders prejudicial to law and order in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. possessions and territories, or any political subdivision thereof. [It] includes all domestic conditions requiring the use of Federal Armed Forces under this Directive.[153]

The directive states the national and Department of Defense policies, sets the responsibility for the management of the federal response to civilian disturbances with the Attorney General of the United States. Civilian primacy is ensured by the concurrence of two means. First, the Department of Defense requests a prior "official request by

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[151] Ibid.

[152] Termed federal militia in this type of missions.

[153] See *DODD 3052.12 Military Assistance for Civil Disturbances (MACDIS)*, February 4, 1994, in *"Washington H.Q. Services, Directives, and Records Branch (Directives Section),"* available [online] at <http://web7.whs.osd.mil/text/d30251p.txt> [10 October 1998], p. 13.

State or Federal civil law enforcement or Executive authorities" relayed via the Attorney General. Second, the President is the sole authority to authorize the employment of the military to control civilian disturbances, through an Executive order directing the Secretary of Defense to act.[154]

There are two emergency circumstances entitling DoD officials and commanders to act prior to the President's authorization, which is to be obtained subsequently:

> (1) When the use of the military forces is necessary to prevent loss of life or wanton destruction of property, or to restore governmental functioning and public order.…
> (2) When duly constituted State and local authorities are unable or decline to provide adequate protection for Federal property or Federal governmental functions, Federal action (including the use of military forces) is authorized, as necessary, to protect the Federal property or functions.[155]

The chain of command in cases of civilian disturbances is depicted in Figure 1.

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[154] Ibid., p. 3.
[155] Ibid., pp. 3-4.

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                    ┌──────────────────┐
        ┌·········▶ │    PRESIDENT     │──────────┐
        ┊           └──────────────────┘          │
        ┊              │                           ▼
┌──────────────┐       │              ┌──────────────────┐
│   GOVERNOR   │       │              │     SECDEF       │
└──────────────┘       │              ├──────────────────┤
                       │              │       SA         │
                       ▼              └──────────────────┘          ┌──────────┐
             ┌──────────────────┐        │                          │  CJCS/   │
             │    ATTORNEY      │     ┌──────────────────┐          │  JOINT   │
             │    GENERAL       │     │      DOMS        │········· │  STAFF   │
             └──────────────────┘     └──────────────────┘          └──────────┘
                       │                       │
                       │              ┌──────────────────┐
                       │              │      CINCS       │
                       │              └──────────────────┘
                       │                       │
                       ▼                       ▼
             ┌──────────────┐        ┌──────────────────┐
             │    SCRAG     │───────▶│   JTF COMMANDER   │
             └──────────────┘        └──────────────────┘
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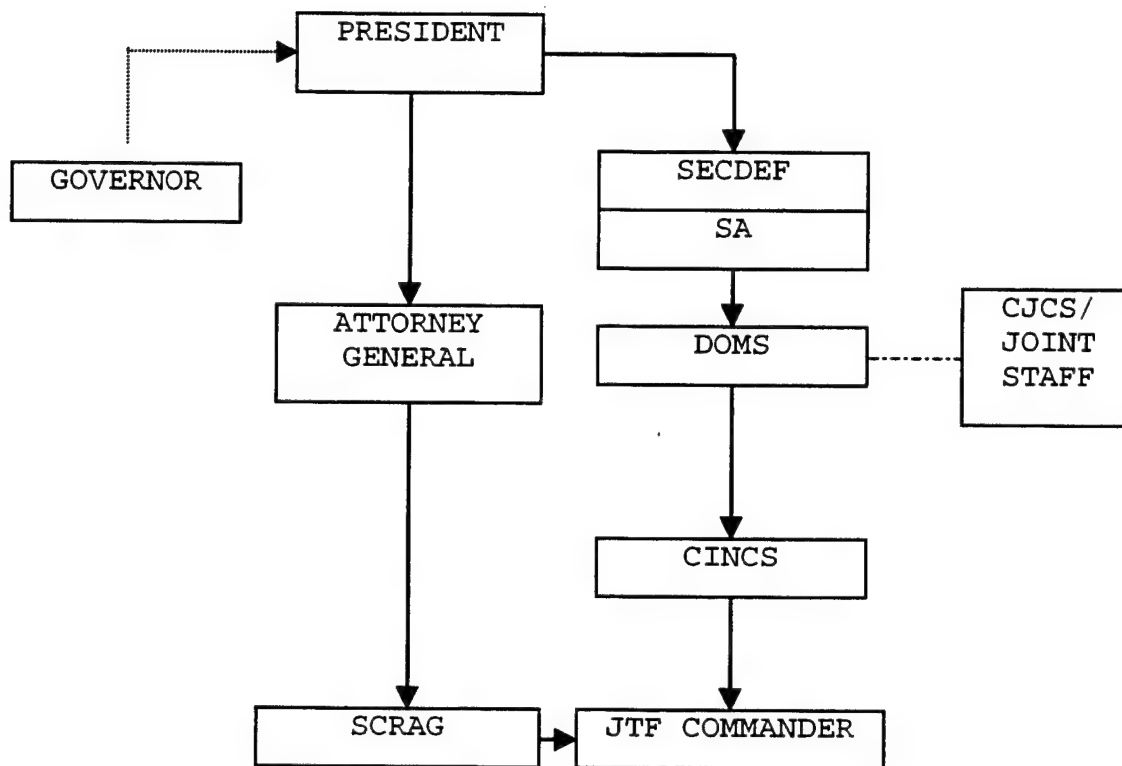
KEY
CINC   - Commander-in-Chief
CJCS   - Chairman, Joint Chief of Staff
DOMS   - Director of Military Support
JTF   - Joint Task Force
SCRAG - Senior Representative of the Attorney General
SA   - Secretary of the Army
SECDEF - Secretary of Defense

LEGEND	
·········▶	Requests
────▶	Taskings
·-·-·-·-	Coordination

Figure 1. Decision Sequence for Federal Military Law
Enforcement Support

Source: *Domestic Support Operations. Field Manual & Fleet Marine Force Manual*
(HQ Department of the Army, US Marine Corps, Washington D.C.: 1993), p. 7-13.

Operations are conducted under the guidelines provided by the Department of the Army civil disturbance plan, dubbed "GARDEN PLOT."[156]

Federal forces stay always under the military chain of command, while civil authority remains unchanged over state and local law enforcement agencies. The federal forces should be tailored in a manner appropriate to the task at hand.[157]

Missions pertinent to the federal forces, i.e. both consistent with their organization and training, as well as complying with the law, encompass among others:

- Dispersing unlawful assemblies;
- Patrolling disturbed areas to prevent unlawful acts;
- Assisting the distribution of essential goods and the maintenance of essential services;
- Serving as security or quick-reaction forces.[158]

An useful checklist of missions appropriate for the military in civil disturbances, developed in the aftermath of the LA riots by a joint force of military and law enforcement personnel, is depicted in Figure 2.

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[156] *Domestic Support Operations*, p. 7-12.
[157] Ibid., p. 7-13.

APPROPRIATE		State	Federal	
			Restore Law & Order	Preserve Law & Order
1.	Man traffic control points	✓	✓	
2.	Provide building security	✓	✓	✓ (-)
3.	Escort emergency equipment	✓	✓	
4.	Provide area security, area patrols	✓	✓	
5.	Provide security at custody facilities	✓	✓	
6.	Provide security for emergency work crews	✓	✓	✓ (-)
7.	Protect sensitive sites	✓	✓	✓ (-)
8.	Transport law enforcement personnel	✓	✓	
9.	Show of force	✓	✓	
10.	Disperse crowds	✓	✓	
11.	Employ riot control agents	✓	✓	
12.	Provide VIP protection, escort	✓	✓	
13.	Provide reserve, quick-reaction force	✓	✓	
14.	Joint patrols, ride-alongs	✓	✓	
15.	Other missions mutually agreed upon	✓	✓	✓
INAPPROPRIATE				
1.	Hostage negotiation	✓	✓	✓
2.	Barricaded suspect	✓	✓	✓
3.	Evidentiary searches	✓	✓	✓
4.	Criminal investigation	✓	✓	✓

Figure 2. Civil Disturbance Mission Tasking Guidelines

Source: Christopher M. Schnaubelt, "Lessons in Command and Control from the Los Angeles Riots, *Parameters*, vol. XXVII, no. 2, p. 103.

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[158] Ibid.

C. THE 1992 LOS ANGELES RIOTS

1. Underlying Causes of the Riots

The 1992 Los Angeles riots were caused by an explosive conjunction of factors, with the Rodney King trial sentence serving as a primer. Rioting seems a recurring phenomenon in Los Angeles, where the black community in Watts exploded in an outburst of racial violence in 1965.[159]

Lou Cannon's analysis[160] identifies several underlying deep phenomena that affected Los Angeles's development but went unheeded by the politicians. Mayor Tom Bradley embarked upon phantasmal plans envisioning the future of LA as a "world city," mirrored into an equally optimistic report, "LA 2000—A City for the Future." However, despite its pompous tenor, even the report had to admit that the city "is rapidly becoming a bimodal society as the number of jobs fails to keep up, widening the disparity between high-skill, high paying jobs and low-skill, low-paying jobs."[161] Cannon identifies several causes underlying the downturn of the Californian economy:

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[159] For a detailed, account, see Governor's Commission on the Los Angeles Riots, "Violence in the City—An End or a Beginning?," in Anthony Platt, Ed., *The Politics of the Riot Commissions: 1917-1970* (New York, NY: Collier Books, 1971), pp. 263-286.

[160] Lou Cannon, *Official Negligence* (New York: Random House, 1997).

[161] Ibid., pp. 15-16.

- An extensive and excessive reliance upon defense expenditures. The end of the Cold War brought a severe curbing of defense procurement, which cost California about 300,000 jobs.

- The collapse of traditional manufacturing, namely aerospace and automotive industries, both due to a decrease in government orders and to foreign competition.

- A sharp decrease in purchasing power due to the replacement of traditional blue-collar jobs by lesser-paid apparel manufacturing jobs.[162]

One of the areas most plagued by decay was South Central Los Angeles, covering nearly forty square miles with a population of 630,000 in 1990. In addition to the 'objective' economic changes upsetting California, South Central Los Angeles was affected by demographic and social mutations. The population comprised "92 percent...blacks and Latinos, and 230,000 of them lived under the poverty line."[163]

A particularly disturbing phenomenon in LA is gang-related crime. As the "LA Style" police street gang manual aptly observes "Not only is the citizenry in mortal danger

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[162] Ibid., pp. 8-10.
[163] Ibid., pp. 11-12 and 15.

91

from street gangs, but the influence wielded by the gangs has a trickle-down effect on all aspects of life for the residents of an area afflicted with a street gang." James Delk counted 56 Blood gang sets, 111 Crip, 248 Hispanic, 15 Asian, as well as 4 other sets.[164]

Law enforcement in Los Angeles County was complicated by the existence of 88 cities. Half of them had their own police departments, while the other half was policed by the LA Sheriff's department. The City of Los Angeles Police Department, with 7,900 police officers for a population of about 3,5 million, had one of the worst ratios of officers to population in major metropolitan areas.[165]

While a majority of the population in South Central Los "wanted, needed, and deserved police protection," they resented contemptuous and prejudiced treatment by the police. The "pro-active approach," favored by LA Police Chief Daryl F. Gates at the expense of community policing, was not apt to build bridges between the police and South Central's population. An instance of pro-active policing was Operation Hammer, consisting of street sweeps of gang-infested areas in South Central. Despite the fact that

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[164] James D. Delk, *Fires & Furies: The LA Riots* (Palm Springs, CA: ETC Publications, 1995), pp. 15 and 341-355. Major General Delk was the CANG deputy adjutant general and acted as Military Field Commander for the Los Angeles riots in April-May 1992, until the federalization of the Guard.

involved "as many as one thousand officers,…gang killings and assaults continued to raise steadily."[166]

The violent reaction to the acquittal of four policemen involved in the Rodney King beating (for the fifth, a mistrial was declared) by the jury in Simi Valley was not unexpected. "South Central was ripe for explosion."[167]

The dissatisfaction with the trial sentence among the black community might have been genuine, but consultations among rival gangs with a view to establish a truce and to target law enforcement officers took place as well.[168] While "looters and shooters…us[ed] Rodney King as an excuse to rob, pillage, and kill," the most serious threat encountered by military and law enforcement were heavily armed members of ethnic gangs who sniped at them.[169]

2.   The Sequence of Events

The riot, lasting from the afternoon of April 29 throughout the morning of May 4, resulted in a casualty list of 54 dead and 2,383 injured (221 critically). In addition, 13,212 were arrested. Damages for Los Angeles County were

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[165] Ibid., pp. 7 and 22.
[166] See Cannon, pp. 17-18.
[167] Delk, p. 317.
[168] Ibid., p. 19.
[169] See William W. Mendel, *Combat in Cities: The LA Riots and Operation Rio* (Forth Leavenworth: Foreign Military Studies Office), available [online] at <http://leav-www.army.mil/fmso/fmso.htm> [19 February 1998], p.2.

estimated at $717 million.[170] Extensive areas of the county

were affected: the cities of Los Angeles, Inglewood,

Compton, Pasadena, West Hollywood, Carson, and Long Beach.[171]

The sequence of events is shown in Figure 3.

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[170] Ibid., p. 2.

[171] See Christopher M. Schnaubelt, "Lessons in Command and Control from the Los Angeles Riots," in *Parameters*, vol. XXVII, no. 2, p. 108.

29 April	1515	Acquittal verdicts announced in the trial of police officers accused of beating Rodney King.
	1850	Rioters beat and nearly kill truck driver Reginald Denny as a television crew captures both the horror of the incident and the absence of Los Angeles Police Department (LAPD) officers. Hundreds of arson and looting incidents begin.
	2100	The California governor's office informs the adjutant general that the governor has decided to mobilize (call to state active duty) 2,000 California National Guard (CANG) troops at the request of the LA mayor.
30 April		A dusk-to-dawn curfew is imposed in large portions of the city of LA and the surrounding county.
	0400	Approximately 2,000 CANG soldiers have reported to armories.
	1100	Los Angeles County requests 2,000 more CANG personnel; the governor approves the request.
	1350	Ammunition from Camp Roberts (in central California) arrives in LA area via CA-47 helicopter.
	1435	The first CANG elements (two military police companies) deploy in support of the LAPD and the LA Sheriff's Department (LASD).
	2000	About 1,000 CANG troops are currently deployed "on the street," with 1,000 more prepared to deploy and awaiting mission requests from law enforcement agencies.
	2356	LAPD and LASD request 2,000 additional CANG troops, for a total of 6,000.
1 May	0100	Perceiving the CANG deployment to be slow, the governor requests federal troops.
	0515	The President agrees to deploy 4000 federal troops to LA.
	0630	Approximately 1,220 CANG soldiers are deployed in support of LAPD; 1,600 are deployed in support of LASD; and 2,700 are in reserve awaiting missions.
	1430	Active component Marines from Camp Pendleton, California, begin arriving in the LA area via C-141 convoy.
	1630	Commander, Joint Task Force-Los Angeles (JTF-LA) arrives in LA area.
	1730	Active component soldiers from Ft. Ord, California, begin arriving in the LA area via C-141 aircraft.
	1800	The President announces that the CANG will be federalized.
2 May	0400	Final plane with active component soldiers arrives.
	1100	Approximately 6,150 CANG troops are deployed on the street, with 1,000 more in reserve; 1,850 soldiers from the 7th Infantry Division are in staging areas; Marines prepare for deployment.
	1900	First active component troops deploy on the street; a battalion of Marines replaces 600 CANG soldiers.
	2359	More than 6,900 CANG soldiers are deployed, with 2,700 more in reserve. Approximately 600 Marines are deployed, but most active component Army and Marine Corps personnel remain in staging areas.
9 May	1200	CANG reverts to state status, ending federalization; active component forces begin redeploying home.
13-27 May		CANG releases troops from state active duty, returning them to "part-time" status.

Figure 3. Chronology of the 1992 Los Angeles Riots.

Source: Compiled from Harrison (1992), Delk (1995), and various CANG after-action reports. From Schnaubelt, p. 91.

Riot suppression involved law enforcement agencies

(local, state, and federal), the National Guard, and the

federal military. The response was poorly coordinated,

police reaction was delayed, and command and control were

far from optimal. The decision to employ federal troops, and

subsequently to federalize the National Guard, was

considered by many as unnecessary and leading to an

inefficient use of manpower and assets.

The Mutual Aid system, designed to provide assistance

between neighboring law enforcement jurisdictions, was

improperly employed during the riots. A timely co-operation

and co-ordination between the LAPD, the LA Sheriff

Department, and the California Highway Patrol, might have

made a difference. The LAPD was the weak link in the chain,

due to several deficiencies, the most notable being poor

command exercised by Police Chief Gates. The Webster report

noted among others:

> 1. Neither the City nor LAPD prepared specific plans in
> enough detail to deal with the disturbance…. A Master
> Plan, with comprehensive inter-departmental plans,
> involving all City departments, is required for
> responses to any reasonably probable contingency. Plans
> must address tactics, command and control, logistics,
> and communications.
> 2. An investment is needed in modern emergency
> equipment for the Police Department.[172]

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[172] Delk, p. 295. William H. Webster, former Director of the FBI, and later of the CIA, headed the "Office of the Special Advisor to the Board of Police Commissioners, City of Los Angeles," which submitted the 2-volume "Webster Report," on October 21, 1992.

According to a senior law enforcement official, "National Guard troops were requested by the Mayor and committed by the governor before a law enforcement mutual aid request occurred," while the LAPD was not ready to receive any assistance.[173]

Leadership was plagued by rivalries between Mayor Bradley and Chief Gates, between Gates and Sheriff Sherman Block, as well as by the schism between Governor Pete Wilson and the Adjutant General of the California National Guard, Major General Bob Thrasher.[174]

The California National Guard (CANG) was called on the second day of the riot, deploying ultimately 10,456 soldiers and airmen from the 40th Infantry Division and from the Air National Guard.[175]

Due to a perceived slowness in deployment, on the third day the federal forces were called-for. Actually, deployment was quick. The guardsmen were committed in 17 hours, faster than regulations provide for.[176] The CANG mobilization was

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[173] Dr. Richard Andrews, Director of the Office of Emergency Services, cited in Delk, pp. 297-298.

[174] See Mendel, p. 4.

[175] 3 Brigades (5 Infantry and 4 Armor Battalions), 1 Military Police Brigade (2 Battalions), the Division Artillery (3 Battalions), and Support Command (3 Battalions) of the 40th Infantry Division (Mechanized) were deployed. The California Air National Guard provided an Airlift Wing (C130), a Rescue Group (Security Police), a Recon Group (Security Police), and a Fighter Wing (Security Police). In addition, the State Area Command HQ was employed. See Mendel, p. 3.

[176] See Delk, p. 304, and Mendel, p. 3.

excellent, but logistics and security problems hindered deployment.

The deployment of federal forces, 2,023 troops from the 7th Infantry Division and 1,508 Marines from Camp Pendelton, and the subsequent federalization of the Guard, via the Joint Task Force-Los Angeles (JTF-LA), led to two unwarranted outcomes.[177] First, it made "the Guard…about 80% less responsive supporting law enforcement agencies," due to an improper understanding of the Posse Commitatus Act. Second, it somewhat blurred the Rules of Engagement.[178]

Until federalization, the CANG established an operation cell at the Los Angeles Emergency Operation Center (EOC). The absence of a unified law enforcement chain of command forced the Guard to respond both to LAPD and LA Sheriff Department requests. The former flooded the CANG officials with demands for large numbers of troops without specific missions in mind, while the latter exercised far more restraint asking for fewer troops for specific missions.[179]

Operating within areas coincident with the areas of responsibility of the supported law enforcement agency, the

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[177] The 7th Infantry Division (Light), deployed a Military Police Company, Aviation elements, 1 Brigade HQ, 3 Infantry Battalions, a Support Command HQ, and one Support Battalion. The Marine Air-Ground Task Force comprised 1 Marine Battalion, 1 Light Armored Battalion, 1 Military Police Battalion, Engineer elements, and Marine Air Group elements. See Mendel, pp. 3-4.
[178] Ibid., p. 4.
[179] Schnaubelt, p. 97.

CANG was able to provide the required co-ordination. CANG troops deployed in units tailored for the mission—the squad being the unit of choice—and thus allowing for flexibility.[180]

Under the Presidential Order of May 1st, the military were directed to "restore law and order in and about the City and County of Los Angeles, and other districts of California." The National Guard, assisting a imposing law enforcement contingent (5,000 LAPD officers and 4,000 additional police officers from agencies across the state)[181] had already accomplished this mission before their arrival.

The assumption of command by the JTF-LA had three major consequences.[182] First, the JTF redefined the areas of operations using more identifiable lines on the map. The flip side was that the lines had no operational relevance, so formations had to support several police areas, or leaders of police areas had to deal with multiple units supporting their bureaus.

Second, due to a peculiar interpretation of the Posse Commitatus, Major General Marvin Covault, commander of JTF-LA, assumed that maintaining law and order (as opposed to restoring them) fell beyond the limits of his mandate.

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[180] Ibid., pp. 98 and 102-103.
[181] Ibid., pp. 99-100.

Therefore, he started to test each request for assistance to determine whether it was a law enforcement or a military function. Most of the requests for assistance were subsequently turned down. As an adjoining measure, missions were subjected to a fastidious validation process, in case of changing circumstances (changing location while performing a task, such as crossing a street).

Third, the JTF-LA emphasized control and thus deployed larger units for similar missions (e.g. two platoons instead of two squads), increasing the effort.

The extraction of federal forces was slowed down to a certain extent by subtle pressures from law enforcement agencies and the general public, all too happy to see the crime level cut in half after four days of military presence in the streets. The JTF-LA response was to indiscriminately cancel current missions, thus leaving no adjustment time to law enforcement agencies.

3. Lessons Learned

The social roots of future civilian disturbances were not eliminated with the end of the riots. "The riots hit an area already severely depressed...there have been not enough

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182 Ibid., pp. 100-103.

improvements since then."[183] Maybe the single bright event

was the adoption of community policing.[184]

Several lessons might be drawn from the 1992 LA riots,

insofar as the police, National Guard, and federal forces

are concerned.

Delk identified several areas of interest:

— *Arming Orders*. [R]estrictions should normally be
  used only when working with extremely green troops,
  or when the threat is almost nil. Neither was the
  case in South Central Los Angeles.

— *Communications*.

— *Training*. The only additional training that may have
  been desirable…is what is called…Military Operations
  in Urban Terrain.

— *Intelligence*. Military intelligence is predictive,
  versus the event-oriented intelligence normally used
  by the police.

— *Deployment scheme*. The National Guard took the
  streets back from the gangs…by literally blanketing
  the affected area with Guardsmen.[185]

One lesson drawn from the riots and provided in the FM

100-19 manual pertains to the areas of operation:

A deployed unit's area of operation should coincide
with the jurisdiction or subdivision boundaries of the
law enforcement agency it supports.[186]

According to Mendel, planning and exercising for civil

disturbance contingencies, trained civilian leaders,

effective interagency co-operation, better equipment

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[183] See Delk, p. 325.
[184] See Cannon, p. 589.
[185] Delk, pp. 321-323, emphasis in the original.
[186] *Domestic Support Operations*, p. 7-14.

(radios, protective gear, and weapons of lesser lethality) are critical.[187]

At the operational level, Mendel argues for a service-support role for the federal forces, advocating an improved physical and legal endowment for the National Guard, as it is better suited for coping with civil disturbances. Both training and legal restrictions put too much strain upon Federal Forces to allow them to cope properly with such contingencies.[188] This conclusion might be appropriate to the LA riots, but in this students' opinion, there are at least two reasons limiting its validity.

First, while more restrictive than for the National Guard, the legal framework governing federal forces is more permissive than Brigadier General Covault's interpretation. There are two constitutional exceptions allowing the military to execute or enforce the law: to protect civilian property and functions and to protect federal property and functions. At times of "sudden and unexpected civil disturbance…the federal government may use military force to prevent loss of life or wanton destruction of property and to restore government functions and public order."[189]

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[187] See Mendel, p. 6.
[188] Ibid., p. 12.
[189] See *Domestic Support Operations*, pp. 3-1 and 3-2.

Second, if National Guard forces are not able to cope with a particular situation, waiving the option of employing federal forces seems an improper course of events.

A topical issue for military assistance for civil disturbances, as a type of Military Operation Other Than War, is operational control versus tactical initiative. Due to political considerations, the degree of operational control is sensibly higher than in combat, at the expense of tactical initiative. Difficulties in monitoring the operation's progress, as well as the potential negative outcome of blunders even at small-unit level, present the commander with incentives to retain as much control as possible.[190]

D.   CONCLUSION

The particular historic development of the United States has validated the use of the military as a reliable instrument for the federal and state governments to deal with domestic violence and insurrection. On the other hand, the prevalent loathing of military law enforcement has led to the implementation of several legal safeguards to preserve civilian control over the military. The most meaningful of them is the Posse Commitatus Act of 1878.

Currently, a comprehensive body of laws governs the employment of the military. Civilian disturbances are dealt with a three-level approach, using civilian law enforcement agencies, the National Guard (both in state and federal missions), and the federal military. The military is employed at the request of pertinent civil authorities, in cases when law enforcement agencies are overwhelmed by the situation.

Military Assistance to Civil Authorities and Military Assistance to Civil Disturbances, as Military Operations Other Than War, pose several strains upon the military. In order to be effective, certain requirements have to be met:

- Establishing appropriate co-operation between the military and the civilian law enforcement agencies in the field.

- A thorough evaluation of the operational context, adjoined by the mastering of the legal restraints.

- Setting the balance between operational control and tactical initiative.

- Providing proper equipment and training.

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[190] See Schnaubelt, p. 106.

VI. THE USE OF THE MILITARY IN CASES OF

CIVILIAN VIOLENCE IN ROMANIA

This chapter investigates the two most recent cases of
employment of the armed forces in dealing with civil
disturbances, specifically the December 1989 Revolution and
the September 1991 events. The current structures and
procedures employed in civil disturbances will be compared.
The legal framework will be analyzed to discern whether the
means and ends are connected.

A.   THE DECEMBER 1989 REVOLUTION

1.   Background

The December 1989 events present the observer with a
complex phenomenon, initiated as a mass upheaval, and ending
as an urban guerilla action against an enemy yet to be
detected. In addition to the population and the armed
forces, two other protagonists were involved: the Security
troops, and the yet-unidentified terrorist elements.

The Communist regime in Romania relied upon the
paramilitary forces controlled by the Ministry of Interior's
Directorate for Security Troops (*Comandamentul Trupelor de*

Securitate) for its survival. A paramilitary elite force, organized like motorized rifle units, equipped with small arms, artillery, and armored personnel carriers, the Security troops were specially trained to fulfill domestic missions. Their personnel were selected from the same pool as the armed forces. Virtually all men over eighteen were eligible. The term of service was two years (as opposed to sixteen months with the ground forces). In 1989, about 20,000 conscripts served with the Security troops.[191]

Figure 4 depicts the organization of the Ministry of Interior in the 1980s.

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[191] See Soper, pp. 276 and 302.

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                           ┌─────────────────────┐
                           │ MINISTER OF INTERIOR │
                           └─────────────────────┘
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| DIR. FOR MILITIA (POLICE) | DIR. FOR SECURITY TROOPS | DIR. FOR STATE ARCHIVES | DIR. FOR PENI-TENTIARIES | DIR. FOR FIRE-FIGHTING | NATIONAL COMMISSION FOR VISAS AND PASSPORTS |

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                           ┌─────────────────────┐
                           │    DEPARTMENT OF    │
                           │   STATE SECURITY    │
                           └─────────────────────┘
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| GENERAL DIR. FOR TECHNICAL OPERATIONS | DIR. FOR SURVEI-LLANCE | DIR. FOR INTERNAL SECURITY | SERVICE K | DIR. FOR MAIL CENSORSHIP |

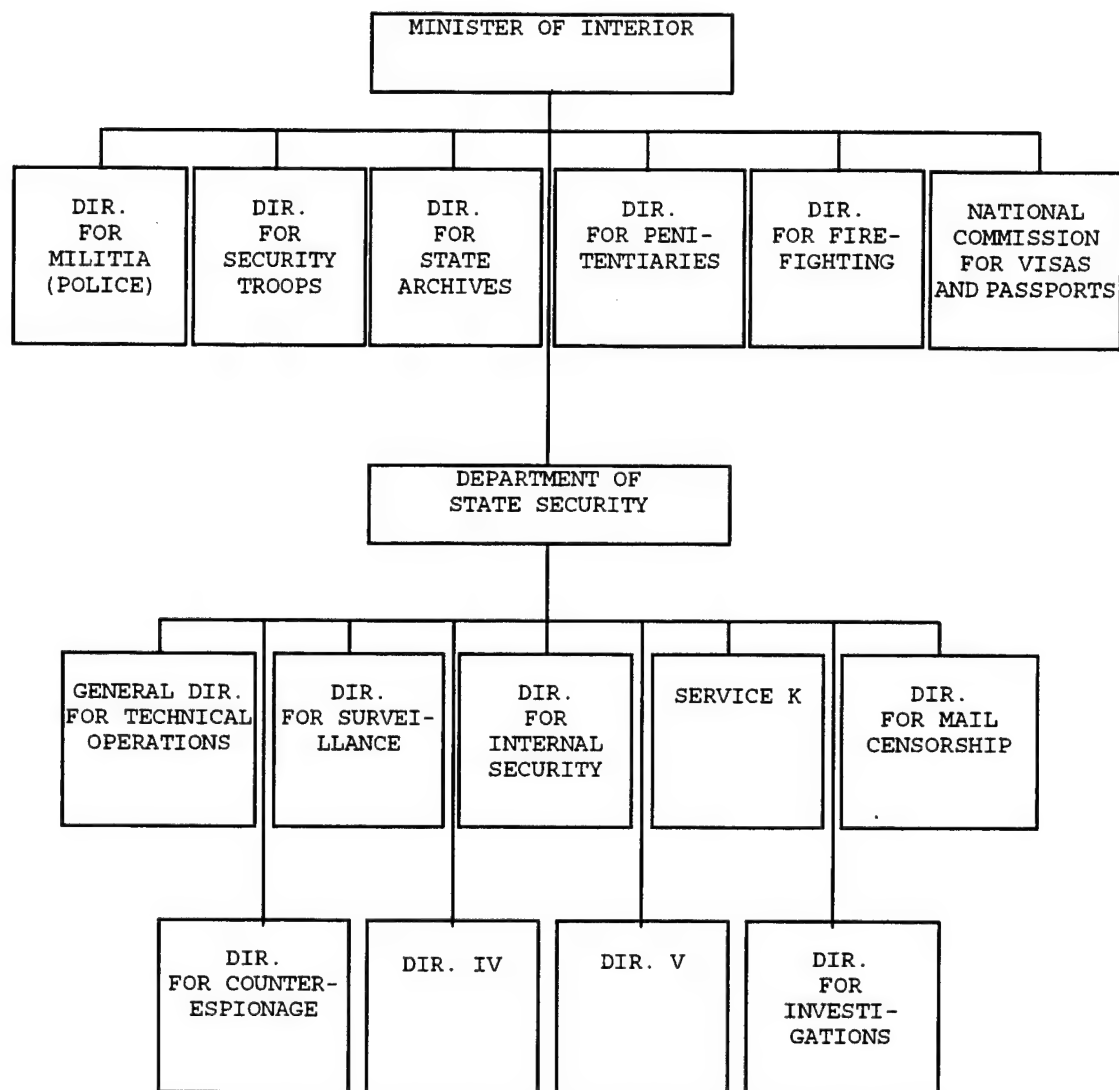| DIR. FOR COUNTER-ESPIONAGE | DIR. IV | DIR. V | DIR. FOR INVESTI-GATIONS |

Figure 4. Organization of the Ministry of Interior, 1980s

Source: Karl W. Soper, "National Security," in Ronald D. Bachman,
Romania: A Country Study (Washington, D.C.: U.S. Government Printing
Office, 1991), p. 300. Dir. stands for Directorate.

Directly responsible through the Minister of Interior
to the Romanian Communist Party General Secretary, the
Security troops guarded important installations of the Party
and state structures, as well as communication centers. They
were supposed to protect the regime against demonstrations,
strikes, and riots, as well as against a military coup
d'état. To that end, they were subjected to intense
political indoctrination as well as to stricter discipline
than the armed services. Their standard of living was higher
as well, a weighty advantage in the late 1980s Romania.[192]

2. The Sequence of Events

This account of the events is drawn from a
comprehensive inquiry, "The Romanian Army in the December
1989 Revolution," which collected data from the mission
registries of all involved units, as well as from the
Republic Attorney General's office (military branch) and the
special Senate Committee investigations.[193]

The events can be divided in two major phases: the
initial phase, that is the Revolution proper, from 16 to 22
December, and the consolidation phase, between 22 and 26

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[192] Ibid., pp. 302 and 304.
[193] See Gen. (ret.) Costache Codrescu, Ed., *Armata Română în
Revolutia din Decembrie 1989: Studiu Documentar - Preliminar* (Bucharest:
Editura Militară, 1994). In Romanian, the term Army refers not to the

December, when the Army together with units of the Ministry of the Interior, fought terrorist elements. The dividing point is provided by the attempted escape of Nicolae Ceausescu and his wife, which put an end, for all practical means, to Communist rule in Romania. Throughout the events, insidious external interference was detected, but it occurred more frequently in the second phase.

The Revolution began in the city of Timisoara, as a protest movement against the forced eviction of Laszlo Tökes, a Magyar priest, on the evening of December 16. Using the cover of the peaceful demonstration, violent elements inflicted wanton destruction in the downtown area, providing an excuse for a forceful showdown by the Ministry of Interior.

On December 17, columns of unarmed soldiers were marching to deter another burst of violence, when they were attacked by violent groups of protestors. At 1100, on orders of the Minister of National Defence, Division General Vasile Milea, several units, with tanks and armored personnel carriers, were deployed to cordon the downtown area and major administration headquarters and economic institutions.

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ground forces, but to the all three armed services. This will be the meaning employed in this chapter.

Later the same the day, Ceausescu ordered a meeting of the C.P.Ex. (Political Executive Committee—the highest party decision body) to endorse his decisions. The "actions" were supposed to be crushed within an hour, by a determined use of force.

After the assault on the 18th Mechanized Division headquarters and some arson attempts, a state of emergency was declared and live ammunition was distributed to the troops at 1800.

The night of December 17 witnessed violent confrontations between groups throwing missiles and firebombs and wielding crowbars, and the troops. The attacks were directed mainly against servicemen and military equipment. In isolated cases, soldiers fired their weapons in self-defense. This provided a cover for plainclothes agents, most of them mingling with the crowd, to open fire against the protestors.

After reinforcement were brought from several neighboring garrisons and the order of battle was revised, only minor skirmishes took place on December 18. The Army employed tear gas for riot control, and that proved quite ineffective.

On December 19, a total reversal of the situation took place. All industrial works in the cities stopped their

110

operations, and workers started gathering in downtown Timisoara.

The chief of the General Staff, Major General Stefan Gus•, dispatched to Timisoara on December 17 to organize the repression, promised the workers of one factory a total withdrawal of the troops. On December 20, at 1200, he decided unilaterally to do that, a decision endorsed by the Minister of Defence. This took place at a time when Ceausescu was still at the helm, and his orders were clear: swift suppression, by using any means available.

The military opened their ranks, allowing the protestors to enter the Opera building. Fraternization between the servicemen and the revolutionaries took place.

Some features of the events of December 17-20 in Timisoara are of specific interest.

The units of Timisoara garrison were under informational pressure, signaling an impending invasion from the West (specifically by Hungary),[194] as well as under stress due to attack by recklessly violent groups. Some of them instigated the servicemen to mutiny. Twelve servicemen were injured; eight of them shot by unidentified persons.

The Army was assigned missions pertaining to the security of military installations, State and political

offices, and major economic sites. The military were assigned to block communication avenues. Heavy equipment (tanks, armored personnel carriers) was deployed with a view to deter aggressive groups. Carrying no ammunition or mounted infantry, several isolated tanks were destroyed by the protestors.

The military opened fire only in self-defense and, most of the times, by observing the rules of engagement.[195] Due to the disposition of forces adopted, Army units were combined with Ministry of Interior forces (*Securitate* troops, *Militia* officers, and counter-terrorist sub-units, with some officers in plainclothes).[196] The latter opened fire on several occasions. This disposition has later led to allegations of excessive use of firepower by the Army, holding it responsible for some of the civilian fatalities.

The presence of the chief of the General Staff exercised a restraining influence. Minimal force was employed for protection missions (between 15 and 20 percent of the available personnel and equipment). The rules of engagement were strictly enforced, and Major General Gus•

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[194] Intelligence reports signaled the deployment of formations close to the border.

[195] Two warnings, warning shot, shot at legs.

[196] Militia was the name of the police under Communist rule in Romania. The special counter-terrorist unit, *Unitatea Specială de Luptă Antiteroristă*, was established in the late 1970s with German assistance, under the model of the GSG-9. Later, its repertoire was extended to include riot suppression.

decided single-handedly to cease hostilities and withdraw troops to barracks.

The alleged presence of foreign agent provocateurs can be inferred from several facts: ammunition non-existent in Romanian inventory, well planned and coordinated assaults of military installations and equipment by small groups, usually at the cover of darkness.[197]

The events initiated in Timisoara forced Ceausescu to adopt measures to prevent the spread of the protest.

On December 21, the C.P.Ex. decided to stage a massive rally in front of the Party Central Committee headquarters in Bucharest, striving to display the complete support of the people for the leader. The plan backfired. The manifestation turned into a massive protest against the dictator, who panicked. An emergency staff, composed of the Minister of Defence, General Tudor Postelnicu, the Ministry of Interior and General Iulian Vlad, the chief of the State Security Department, under Ceausescu's direct control, was supposed to direct the containment and eventual suppression of the protest movement.

Fierce confrontations took place on the night of December 21 in the University Square between groups of protestors and joint forces of the Ministry of Interior and

Army. After unsuccessful attempts to disperse the crowd with water cannons and tear gas, firearms were used. Again, the disposition of forces—police, *Securitate* troops, plainclothes Interior officers, army—put the Army at a disadvantage. Interior forces were able to fire on the protestors unobserved by using the cover provided by the Army troops firing over the crowd. The Army could not fire at the crowd, since all Army detachments were protected by one or two rows of police and security troops with body shields. Eventually, at 0300 the situation was under relative control.

In the morning of December 22, massive groups of demonstrators joined forces in front of the Central Committee building. At 0910, the Minister of Defence ordered the Army forces protecting the building not to open fire on the protestors. After an argument with Ceausescu, General Milea committed suicide. His first deputy, Lieutenant-General Victor St•nculescu, ordered the troops back to barracks at 1045. The Army fraternized again with the demonstrators, who called the military to join their march to the Television headquarters. At 1200, Ceausescu and his wife Elena left the building by helicopter to organize a new

[197] At the time, the arms control regime in Romania was draconian, so the very existence of firearms among protestors is at least suspect.

center of resistance in Târgoviste, less than 100 kilometers from Bucharest.

The first phase ended in confusion, but the pandemonium was yet to come.

Again, this time due to the opposition of the Ministry of Defence, the Army exercised remarkable restraint. Apart from the garrison comprising the 4th Tank Division, the 1st Motorized Rifle Division, and the 1st Paratrooper Regiment, several units were brought as reinforcement. Despite this significant military presence, the fatality count remained relatively low. The most remarkable phase ended with the Army fraternizing with the revolutionaries, while the police and *Securitate* troops were regarded as the main culprit for the civilian death count.

Similar events took place in most of Romania's cities, even though the level of violence was significantly lower.

The second phase of the Revolution started with an urban guerilla fraction opposing the Army to unidentified terrorist elements in Bucharest and several cities. In addition, the Air Defense Command and the Signal Command were subjected to electronic warfare, while the media was flooded with intoxication. Cities other than Bucharest where clashes took place were strategically located or were major garrisons. By depicting the Ministry of Interior troops as

terrorists, the propaganda warfare aimed to provoke a final showdown and eventually a civil war. In order to avoid this situation, the newly installed power (the Council of the National Salvation Front) ordered the Ministry of National Defence to take under control all paramilitary forces.

Due to lack of training for urban warfare (a significant part of the soldiers were in their first month of training) as well as to the propaganda warfare, several incidents led to fratricide fire. In a much-publicized case, two *USLA* light armored cars, sent to reinforce the protection of the Ministry of National Defence headquarters, were destroyed by an Army tank that had precisely the same mission. In other occasions, servicemen and officers fell to terrorist fire or were caught in crossfire. The incidents reached a climax prior to December 25, when the Ceausescus were executed. After the execution, the incidents declined steeply, and eventually ended on December 31st.

3. Conclusion

The December 1989 events proved that a regime perceived as illegitimate by the majority of the population could not survive in Romania, even by using the force of arms. The Army defected, and the *Securitate* was not willing to engage the Army in open warfare.

116

The Army passed the test with flying colors. They executed resolutely the mission ordered by the new authorities, despite their lack of training. Of 1,104 fatalities 221 were military, as well as 633 of the casualties.[198] The majority of the casualties were inflicted after December 22. While the gallantry of the military was outstanding, training and equipment for urban warfare left much to be desired.

The idea of employing the armed forces in civilian disturbances became unpopular with the political sector, and it was never in favor with the Army officer corps. In addition, two developments reinforced this negative perception among the officer corps. First, several officers were brought into military tribunals for their activity during the Revolution. Since performing orders that were legitimate at the time of their issuance could entail legal liability later, few officers wanted to contemplate a similar situation.

Furthermore, the legal framework was subjected to extensive revision, restrictive and anti-democratic laws being abrogated by hundreds. The Constitution was suspended, and a bill of rights type declaration by the Council of the National Salvation Front served as substitute for a time.

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[198] The Ministry of Interior casualties' list included 52 deaths,

117

Second, the paramilitary troops being absorbed by the Army, they were not available for quelling civilian violence anymore. The single instrument available for this type of mission was the *Militia*, promptly returned to its prewar name (*Politia*). It took more than a cosmetic change to gain credibility from the public, since its record was tarnished by countless, albeit most of them minor, abuses.

B. THE SEPTEMBER 1991 INCIDENTS

1. Circumstances

The violence of June 13-15 1990 clashes led to a different approach. On the June 13, demonstrators attending a long sit-in protest in University Square (downtown Bucharest) reacted violently to an attempted evacuation by the police. Criminal elements and agent provocateurs, infiltrated among the protestors, inflicted wanton destruction. The National Television building, the Bucharest Police HQ, and the Romanian Intelligence Service (the *Securitate* successor) HQ suffered extensive destruction. President Ion Iliescu issued a public appeal to law-abiding citizens, mostly to the industrial workers, which were his electoral base. The strongest reaction came from the

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and 52 wounded.

coalminers from the Jiu Valley basin. They resorted to indiscriminate beatings of anyone suspected of being an opponent of the regime. At least two deaths were recorded, as well as numerous wounded. The miners left the capital city only on June 16, with the distinct feeling of being the saviors of the regime, and thus entitled to special privileges.[199] That, despite the fact that at their arrival, the police, supported by Army units (namely paratroopers at the Television building, and a detachment from a mechanized division, both without live ammunition) were already in control.

The Roman government decided to re-establish the Gendarmerie corps, a paramilitary force that existed until the Communist takeover of Romania. The infrastructure used was that of the former *Securitate* troops. The new corps was

> In charge of protecting the country's democratic institutions and of course of intervening when these are placed in jeopardy by the pressure of street demonstrations against the state order and when the capability of the police is overtaxed.[200]

The new corps was to suffer its battle test during the September 1991 events.

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[199] See "Miners Leave Bucharest after pro-Government Rampage," in *The Reuters Library Report,* 15 June 1990, available [Lexis/Nexis]: NEWS/ARCNEWS [13 September 1998], and "Romanian Miners Questioned On June Violence," in *The Reuters Library Report*, 13 July 1998, available [Lexis/Nexis]: NEWS/ARCNEWS [13 September 1998].

2.   The Sequence of Events

The 1991 riots were sparked by an inept handling of a labor dispute between the pit coal miners trade unions in Jiu Valley and the Government, against the background of a "sharp drop in living standards, [with] inflation…running at 170 percent."[201]

The miners were not satisfied with the settlement negotiated with Prime Minister Petre Roman and government representatives on September 17, although all their claims were satisfied. The trade union in Petrosani staged a general strike, demanding the arrival of the Premier as well as of a parliamentary delegation.[202]

Infuriated by the Premier's refusal to comply with their demands, the miners, led by Miron Cosma, their trade union headman, hijacked trains and forced the mechanics to carry them to Bucharest.

Miners arrived in three waves to Bucharest, on September 24-26, with a single purpose in mind: "The

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[200] See "New Law on Gendarme Force Advocated," *Dimineata*, 4 January 1991, *FBIS Daily Report-East Europe, Romania*, 7 February 1991 (FBIS-EEU-91-026), p. 34.

[201] "Fatal Rioting Spurs Changes in Romania," *St. Louis Post-Dispatch*, 26 September 1991, available [Lexis-Mexis]: NEWS/ARCNEWS [17 February 1998].

[202] See "Jiu Valley Miners Stage General Strike 23 September," ROMPRES, 23 September 1991, *FBIS Daily Report-East Europe, Romania*, 24 September 1991 (FBIS-EEU-91-185), p. 23, and "Roman Addresses Parliament on Miners' Disturbance," *Bucharest Programul Unu Radio Network*, 25

dismissal of the government and of the Prime Minister from his position."[203]

The miners, joined by groups of opposition protestors stormed the Government building in Victoria Square, undeterred by the tear gas and concussion bombs employed by the Gendarmes and the Service for Dignitaries' Protection (SPP).[204] The cabinet was evacuated by the back door, while the miners set the fist floor on fire. A firebomb killed one Gendarmerie serviceman.[205]

The Army deployed detachments of military police, mounted on armored personnel carriers and tanks, but they were not issued live ammunition.

Other assaults took place at the Television building (where the Gendarmerie units were able to repeal the attacks), and at the Chamber of Representatives, where Cosma

September 1991, *FBIS Daily Report- East Europe, Romania*, 26 September 1991 (FBIS-EEU-91-187), p. 22.

[203] Declaration by Cosma in a news conference. He seems to have regarded the fact that the Premier did not visit the Jiu Valley as a personal offence, and toppling the government was his way of redress. See "Miners Demand Government's Resignation," *Bucharest Programul Unu Radio Network*, 26 September 1991, *FBIS Daily Report- East Europe, Romania*, 26 September 1991 (FBIS-EEU-91-187), p. 29.

[204] Created in 1990 as an independent unit with the Ministry of National Defence, the SPP (*Serviciul pentru Protectie si Pazã*) became an independent executive agency, with its own intelligence unit. It is subordinated to the President and controlled by the SCND.

[205] See Vasile Surcel, "Maiorul Gabor, 8 Ani de Puscarie," *Evenimentul Zilei*, 12 July 1998, available [online]:<http://www.expres.ro/press/evzilei/investigatii.htm> [7 July 1998], p. 2.

managed to enter the building with his comrades, and even addressed the session.[206]

The Premier handed his resignation on the evening of 25 September, but this had little bearing upon the miners' violent actions. In the same emergency meeting of the Supreme Council for National Defence when Roman resigned, several measures were adopted to quell the riots. In accordance with the decision by the SCND, the Ministry of National Defence took several measures:

- To raise the combat capability in all military commands and large [formations] throughout the country;
- To distribute [live] ammunition to all small units that are guarding the government and public buildings, to be used if needed under legal conditions.
- To redeploy troops to meet requirements to ensure the protection of state institutions in accordance with the situation that has been created.
- To make operational the Army's transmission system.[207]

This communiqué, repeated several times by Radio and TV, as well as the tougher stance by the SPP at Cotroceni Palace (the Presidential office building), where the protestors were repealed with rubber bullets and armored cars, put the miners to flight.[208]

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[206] "Miners' Leader Cosma, Legislative Leaders Meet," ibid., p. 30.
[207] See "Communiqué on Defense Ministry Measures Issued," ibid., p. 32.
[208] See "Troops Disperse Demonstrators at Cotroceni Palace," *Bucharest Programul Unu Radio Network*, 25 September 1991, *FBIS Daily*

Cosma lost control over some of his hordes. While he was negotiating at Cotroceni with President Iliescu, groups of miners were still attacking and pillaging.

The riots came to an end after Cosma and the President concluded an agreement that satisfied all the miners' demands. The miners' resolve was already shattered by the use of live ammunition against them at the Television building. By September 27, most of the miners had returned to Petrosani.

3.   Conclusion

The 1991 riots made evident the flaws of the existing approach to quelling civilian disturbances. Another Romanian government fell in less than two years at the hands of demonstrators. This time it was an elected one, and it fell due to the violent acts of a tiny fraction of the population.

The security apparatus, particularly the Gendarmerie troops, was unable to prevent the miners' transit to Bucharest due to:

- Slowness in deployment and concentration of forces.

Report- *East Europe, Romania*, 27 September 1991 (FBIS-EEU-91-188), p. 37.

- Obvious imbalance in numbers between rioters and
  Gendarmes.

- Inadequacy of riot control equipment (truncheons,
  tear gas, concussion bombs) against rioters wielding
  crowbars, shovel handles, and various mining tools.
  In addition, the miners used mining explosive
  charges to assault barrages.

- The impossibility of defusing tensions by dialogue
  with bellicose and heavily inebriated rioters.[209]

Political leadership was weak and inexperienced. The
riots led to squabbles between the President and the ousted
Premier, the latter complaining about his being the
sacrificial lamb. Roman joined eventually the opposition
camp.

The wavering leadership prevented the Army from
dispersing the rioters earlier. Perceiving a dispute between
the President and the Premier, several senior officers were
reluctant to involve their troops.[210] In addition, they were
not covered by any legal protection in case of loss of
civilian lives.[211]

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[209] See Colonel Apostol-Ion Gheorghe, "Situatii de Criză ce Pot
Afecta Securitatea Nationalã" (graduation thesis, National Defence
College, Bucharest, 1996).
[210] Discussion by the author with the then commanding general of
the tank division located in Bucharest.
[211] With the benefit of hindsight, one might approve them. The then
captain Vasile Gabor, commanding a counter-terrorist sub-unit of the

When the miners threatened to storm the Presidential
Palace, the troops opened fire at the rioters, with
expeditious results. The miners were not willing to confront
lethal force. The communiqué on live ammunition being issued
to the troops was enough of a deterrent.

C.   PRESENT CONDITIONS

There are several laws approaching the topic of
civilian disturbances, public order, and military response
to domestic violence.

Article 116 of the Constitution, paragraph 1,
stipulates:

> The Armed Forces shall be exclusively subordinated to
> the will of the people, to guarantee the sovereignty,
> independence, and unity of the State, the Country's
> territorial integrity, and Constitutional democracy.[212]

The National Security Strategy lists, under the heading
"domestic risk factors," "the escalation of actions leading
to a generalized crisis of authority by the institutions and
leadership structures at national level."[213]

SPP, was sentenced to 8 years for manslaughter. Using a flare pistol, he
killed an innocent bystander and a rioter at Victoria Square on 25
September, while in the Government building which was set ablaze. See
Vasile Surcel.

[212] See "Romania-Constitution," p. 1.

[213] The National Security Strategy was adopted by the SCND and
submitted for Parliament's sanction. See "CSAT a Aprobat Strategia de
Securitate Naționalã a României," *România Liberã*, 20 August 1998,
available [online]: <http://www.romanialibera.com/1POL/20c4csa.htm> [20
August 1998], p. 3.

This subsection is part of a section entitled "Risk Factors for Romania's National Security," which concludes, in a rather ambiguous manner: "Means towards providing for Romania's national security are established in correlation with the national interest, resources, the evolution of economic and politico-military processes, as well as with the potential risk factors."

Law 45 on the National Defence of Romania, sanctioned on January 7, 1994, stipulates at article 1:

> The National Defence shall comprise all the measures and activities adopted and carried out by the Romanian State in order to ensure national sovereignty, independence and unity of the State, the country's territorial integrity, and constitutional democracy.

The law focuses on the means of providing for external defense and remains moot on the topic of ensuring constitutional democracy.[214]

Several operational plans were developed both by the Ministry of National Defence and by the Ministry of Interior, stipulating cooperation between the Army and the Gendarmerie in cases of civilian disturbances.

Without the legal grounds for employing the Army in this contingency, the troops cannot train for such missions, nor is Parliament able to appropriate funds for training and

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[214] "Law 45 on National Defence of Romania," *Romanian Ministry of National Defence*, available [online] at
<http://mil.logicnet.ro/41500000e.htm> [24 May 1998].

equipment. The sole exception is the Military Police, but their range of mission includes only crimes and misdemeanors pertaining to military personnel, property, and installations.

Figure 5 depicts the chain of command for crisis situations threatening national security.
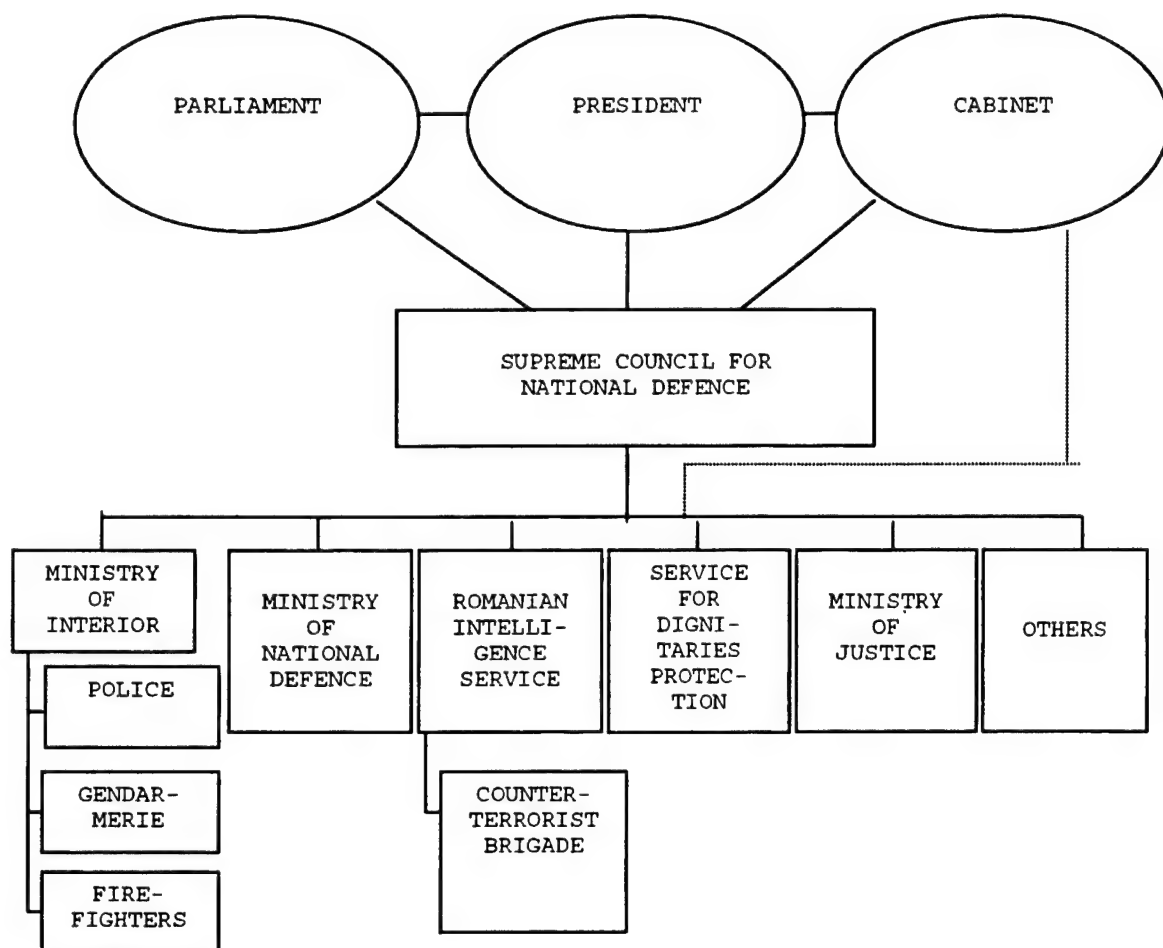
Figure 5. The Chain of Command for Crisis Situations
Threatening National Security

Source: based upon Colonel Apostol-Ion Gheorghe, "Situatii de
Crizã ce Pot Afecta Securitatea Nationalã" (graduation
thesis, National Defence College, Bucharest, 1996).

128

The diagram, employed in all contingency planning in cases of civilian violence, is rather close to wishful thinking, since no regulation statutory for the Ministry of National Defence stipulates the involvement of the Army in cases of civilian violence.

So far, the legal framework is clear only for the Ministry of Interior. The Law on the Organization and Functioning of the Romanian Gendarmerie stipulates:

> Article 1. The Romanian Gendarmerie is the State specialized military institution, part of the Ministry of the Interior, which exercises, under the law, missions pertaining to the protection and defense, propriety of national value, to preserving and restoring public order, to preventing and fighting crime and other breeches of the law, to preventing and neutralizing terrorist activities on Romanian territory.[215]

The review of the legal framework directing military responses to civilian violence leads to the conclusion that it is flawed. The quelling of a civilian disturbance similar to the 1991 one is an uncertain enterprise, if the response is to be provided only by the police and Gendarmerie. The reaction by the Army in case of civilian violence is uncertain, since there is no statutory regulation compelling it to do so.

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[215] "Lege privind Organizarea si Functionarea Jandarmeriei Române," adopted on 6 May 1998.

VII. CONCLUSION

Romania, a fledgling democracy, is striving since 1990 to create the stable foundations of a democratic polity. While the establishment of the legal framework has been largely completed, and three consecutive elections have taken place in conditions described as free and fair, it is premature to claim that the consolidation of democratic rule has been achieved. The threat of perennial transition is looming large over Romania's political life.

The Armed Forces are one of the most stable and credible institutions so far, enjoying widespread support among the public. This perception is due to the fact that is was affected by political disputes way less than all other State institutions, and has been the only segment of the society consistently engaged in reforming itself. In Romania's quest for Euro-Atlantic integration, the Armed Forces were the single shinning point in an otherwise bleach picture.

This status places the Armed Forces in an excellent position to protect the post-1989 democratic achievements. It has both the assets and the credibility to act efficiently to this end and the record proves that the

131

employment of the Armed forces has been critical in preventing the collapse of State institutions.

Unfortunately, there is a definite hesitation both by the political factor and by the officer corps to acknowledge this role. This shyness is imputable to the last two cases of usage of the military instrument in domestic contingencies, specifically the 1989 Revolution and the 1991 riots.

The purpose of thesis was to demonstrate the necessity of accepting the military response to civilian violence as an instrument to protect democratic institutions.

The case of the United States has been chosen to make this argument from several reasons: the proven stability of the American democratic way, envied and emulated worldwide, the successful record of military response to civilian violence, and the adoption of American patterns by the Romanian military in transition to a democratic model.

The analysis of recent missions ascertained the increasing involvement of the U.S. Armed Forces in Military Operations Other Than War in the wake of the Cold War. It is true, to a certain extent this development has strained civil-military relations, political élites being more inclined to assign missions loathed by the top brass.

The investigation has discerned several developments related to an all-volunteer force, some of them of great interest for the Romanian military, contemplating the elimination of conscription. Of utmost interest is the potential alienation of the military from the values and concerns shared by the general public. Another risk, widely debated, is the changes in the officer corps ethos due to an exaggerated dedication to domestic operations, at the expense of "fighting America's wars." Due to specific circumstances, MOOTW affect military readiness. Moreover, military response to civilian disturbances, involving political considerations, requires different approaches to command and control, as well as specific training.

Dismissing hastily these concerns would be erroneous. Nevertheless, the military missions are determined by the interaction of external and domestic factors, thus the missions can not be designed only by taking into account desires at the expense of facts. The issue is striking the right balance between external defense and MOOTW.

In addition, the U.S. military has a long-standing record of involvement in civil disturbances, from the early days of the Republic. The circumstances led to the acceptance of the concept of a force sufficient to ensure that laws could be enforced throughout a wide and sparsely

settled territory, to take care of domestic violence or
insurrection that a state's constituted authorities proved
unable to handle, as well as to settle inter-state
disputes.[216]

The distrust towards law enforcement by the military,
as well as concern over military dictatorship, led to
continuous refinements of the legal order regulating civil
control over the military. The leading legal provision in
this field is the Posse Commitatus Act of 1878, an outcome
of the Reconstruction period.

Both due to the American civil culture and to clear and
comprehensive regulations, civil supremacy has never been
put in question, at least not in cases of domestic
operations.[217]

The American model of quelling civil violence is a
three-tiered one, involving civilian law enforcement
agencies, the National Guard, and the federal military
(which might comprise the federal militia. i.e. the
federalized National Guard). The classic three-tier model
requires a paramilitary force as an intermediate level

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[216] See Coakley, pp. 3-4.
[217] The MacArthur challenging President Truman's order as a
Commander-in-Chief falls outside the scope of the present thesis.
Suffice it to say that this case proved beyond the shadow of a doubt the
resilience of the American model of civil-military relations.

between police and the Armed forces. The National Guard plays this role in the United States.

The 1992 Los Angeles riots were selected as a case study for several reasons:

- The events were contemporary with the most recent and relevant Romanian cases (taking place in 1989 and 1991).

- The response involved all three tiers.

- The riots were closer to urban guerilla than to classic riots (an attribute shared by the second phase of the 1989 Revolution).

- A restrictive interpretation of legal regulations, specifically the Posse Commitatus Act, by the commanding officer, hindered the response by the federal military.

- Lessons learned were incorporated in statutory documents.

Currently, legal guidelines governing military response to civilian violence in the United States are provided by *DoDD 3025.12 Military Assistance for Civil Disturbances (MACDIS)*, issued on February 4, 1994, and *DoDD 3025.15 Military Assistance to Civil Authorities*, issued on February, 18, 1997. The doctrine is stipulated by *Domestic*

135

Support Operations FM 100-19. They were investigated in
order to draw lessons relevant to Romanian conditions.

A brief review of civilian control over the military in
Romania, as well of the Romanian officer corps, was deemed
necessary to understand the feasibility of the employment of
the military in quelling civilian violence.

Romanian history presents some distinct contrasts to
the American development, bearing among others, upon the
civic culture and upon the military's role in the society.

Due to specific circumstances, the Romanian democratic
development started later than in the United States and it
was arrested by half a century of dictatorship.[218] The 1989
brought a fresh start to the above-mentioned democratic
development, and the end of the process is not in sight.

The military has always been the bulwark of Romanian
statehood, and thus the officer corps has been highly
regarded in society. The officer corps has developed a sense
of responsibility towards society, thus, its employment in
cases of severe societal crises. Its acceptance of civil
control was superseded only in situations when the regime
had lost any semblance of legitimacy and the regime
perpetuation jeopardized the very survival of the nation.

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[218] Authoritarian Right-leaning regimes from 1938 to 1944 and
Communist from 1947 to 1989.

The historic tradition, as well as a degree of autonomy under Communist rule, allowed the preservation of the officer corps' corporateness.

The 1989 Revolution brought a major involvement by the Romanian military in civil violence. The military refused to play a repressive role in the service of a despised dictatorship and was instrumental in the eventual overthrow of the Communist regime. In the second phase, the military waged an urban guerrilla, for which it was ill suited and thus took heavy casualties. Nevertheless, the military was critical to the survival of the new democratic achievements.

The Revolution brought, among other developments, a discernible, and to a certain extent understandable, reluctance towards using the Armed Forces in cases of civil violence. The post-1989 course of events led initially to the development of a two-their response, involving police and the Gendarmerie, a paramilitary force under the Ministry of Interior.

The 1991 riots proved the necessity of involving the Armed Forces in suppressing violent attacks on the State institutions. This was not yet acknowledged by the adoption of statutory regulations to guide the employment of the military in quelling civil disturbances. Training was not

adapted to specific circumstances imposed by this type of contingency.

The examination of the legal framework showed its sheer inadequacy. Thus, the occurrence of violent riots like the 1991 put under question the preparedness of the State response and subsequently the very survival of its democratic institutions in the tormented transition confronting nowadays Romania.

The thesis advocates the adoption of clearly defined regulation, as well as of operational plans to deal in an effective fashion with civilian violence. The American model, adapted to Romanian circumstances, could provide a useful guide.

BIBLIOGRAPHY

Agüero, Felipe. *Soldiers, Civilians and Democracy: Post-Franco Spain in Comparative Perspective*. Baltimore, Maryland: John Hopkins University Press, 1995.

A National Security Strategy for the New Century. Available [Online]: <http://www.whitehouse.gov/WH/EOP/NSC/Strategy/> [4 August 1998].

"Army Given Live Ammunition; Roman Warns Of Coup." (27 September 1991), *FBIS Daily Report-East Europe, Romania*, 27 September 1991 (FBIS-EEU-91-33-34).

Bachman, Ronald D. *Romania: A Country Study*. Washington D.C.: U.S. Government Printing Office, 1991.

Brown, Roger Allen. *Assessing The State And Federal Missions Of The National Guard*. Santa Monica, California: RAND, 1995.

Cannon, Lou. *Official Negligence: How Rodney King and the Riots Changed the LAPD*. New York, N.Y.: Random House, 1997.

Cipkowski, Peter. *Revolution in Eastern Europe: Understanding the Collapse of Communism in Poland, Hungary, East Germany, Czechoslovakia, and the Soviet Union*. New York, N.Y.: John Wiley & Sons., 1994.

Coakley, Robin. *The Role of the Federal Military Forces in Domestic Disturbances 1789-1878*. Washington D.C.: United States Printing Office, 1988.

Codrescu, Lieut-General (ret.) Costache. *Armata Română in Revolutia din Decembrie 1989*. Bucharest: Editura Militară, 1994.

"Communiqué on Defence Ministry Measures Issued." (27 September 1991), *FBIS Daily Report-East Europe, Romania*, 27 September 1991 (FBIS-EEU-91-32).

Constantiniu, Florin. *O Istorie Sinceră a Poporului Român.* Bucharest: Editura Univers Enciclopedic, 1997.

Dawisha, Karen and Bruce Parrott. *Politics, Power, and the Struggle for Democracy in South-East Europe.* Cambridge, United Kingdom: Cambridge University Press, 1997.

"Defense Minister Spiroiu Addresses Parliament." (2 October 1991), *FBIS Daily Report-East Europe, Romania,* 2 October 1991 (FBIS-EEU-91-33-35).

"Defense Ministry Troops Control Victory Square." (26 September 1991), *FBIS Daily Report-East Europe, Romania,* 26 September 1991(FBIS-EEU-91-26).

Degeratu, Lieutenant-General Constantin. "The Reform of Romania's Armed Forces: A New Stage." *NATO's Sixteen Nations,* 1997.

Delk, James D. *Fires and Furies-The L.A. Riots.* Palm Springs, CA: ETC Publications, 1995.

Department of Defense, Chairman of the Joint Chiefs of Staff. *Joint Publication 3-07: Joint Doctrine for Operations Other Than War.* Washington, D.C.: June 1995.

_____. *Joint Publication 3-01: Doctrine for Joint Operations.* Washington D.C.: June 1995.

Department of Defense Directive 3025.12 Military Assistance for Civil Disturbances (MACDIS). Available [Online]: <http://web7.whs.osd.mil/text/d302512p.txt> [10 November 1998].

Department of Defense Directive 3025.15 Military Assistance to Civilian Authorities. Available [Online]: <http://web7.whs.osd.mil.text.302515p.txt> [10 November 1998].

Diamond, Larry and Marc F. Plattner. *The Global Resurgence of Democracy.* Baltimore, Maryland: John Hopkins University Press, 1996.

Dunlap Jr., Charles. "Melancholy Reunion." U.S.A.F. Institute for National Security Studies Occasional Paper 11, October 1996.

_____. "The Origins of the American Military Coup." *Parameters* 22, Winter 1992-1993.

_____. "Welcome to the Junta: The Erosion of Civilian Control of the U.S. Military." Wake Forrest Review, vol. 29, No.2, Summer 1994.

Fogelson, Robert M. *America's Armories: Architecture, Society, and Public Order*. Cambridge, Massachusetts: Harvard University Press, 1989.

Georgescu, Vlad. *The Romanians: A History*. Columbus, Ohio: Ohio State University Press, 1991.

Gheorghe, Colonel Apostol-Ion. *Situatii de Criza ce Pot Afecta Securitatea Nationala*. Bucharest: Colegiul National de Aparare, 1996.

Headquarters Department of the Army; U.S. Marine Corps. *Domestic Support Operations. Field Manual FM 100-19; Fleet Marine Force Manual FM 7-10*. Washington, D.C.: July 1993.

Huntington, Samuel P. *The Soldier And The State*. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1995.

"Historical Survey." Available [Online]: <http://mil.logicnet.ro/41100e.htm> [24 May 1998]

Hitchins, Keith. *Romania 1866-1947*. Oxford: Clarendon Press, 1994.

"Interior Ministry Supports Troops' Actions." (27 September 1991). *FBIS Daily Report-East Europe, Romania*, 27 September 1991 (FBIS-EEU-91-31).

Lane, Roger and John J. Turner, Jr., Eds. *Riot, Rout, and Tumult: Readings in American Social Violence*. Westport, Connecticut: Greenwood Press, 1978.

Lévesque, Jacques. *The Enigma of 1989*. Berkeley, California: University of California Press, 1995.

141

Linz, Juan J. *The Breakdown of Democratic Regimes: Crisis, Breakdown, Reequilibration.* Baltimore, Maryland: John Hopkins University Press, 1978.

Linz, Juan J. and Alfred Stepan. *Problems of Democratic Transition and Democratic Consolidation: Southern Europe, South America, and Post-Communist Europe.* Baltimore, Maryland: John Hopkins University Press, 1996.

Mendel, William W. *Combat in Cities: The LA Riots and Operation Rio.* July 1996. Available [Online]: <http://leav-www.army.mil/fmso/fmso.htm> [23 April 1998].

"Miners Fight Riot Police." (26 September 1991), *FBIS Daily Report-East Europe, Romania,* 26 September 1991 (FBIS-EEU-91-23).

Moskos, Charles. "The Military's New Stars." *U.S. News and World Report,* 18 April 1988.

Norldinger, Eric. *Soldiers in Politics.* Englewood Cliffs, New Jersey: Prentice-Hall, 1977.

Platt, Anthony M. *The Politics of the Riot Commissions 1919-1970.* New York, N.Y.: Collier Books, 1971.

"Political Situation, Army Power Struggle Viewed." (30 September 1991), *FBIS Daily Report - East Europe, Romania,* 30 September 1991 (FBIS-EEU-91-22-23).

"Riot Police Move To Disperse Miners." (30 September 1991), *FBIS Daily Report-East Europe, Romania,* 30 September 1991 (FBIS-EEU-91-22-23).

"Responsibilities and Structures." Available [Online]: <http://mil.logicnet.ro/6100100e.htm> [24 May 1998]

"Roman On Defense, Interior Ministries Cooperation." (30 September 1991), *FBIS Daily Report-East Europe, Romania,* 30 September 1991 (FBIS-EEU-91-22-23).

Romanian Armed Forces: A Partner for the Future. Ministry of National Defence Public Relations Directorate, 1997.

"Romanian Constitution." Available [Online]:
<http://www.uni-wuerzburg.de/law/ro00006.html-A092>
[24 May 1998]

Rowe, Peter J. and Christopher J. Whelan. *Military
Intervention in Democratic Societies*. Dover, N.H.:
Croom Helm, 1985.

Russett, Bruce. *Grasping the Democratic Peace: Principles
for a Post-Cold War World*. Princeton, New Jersey:
Princeton University Press, 1995.

Schnaubelt, Christopher M. "Lessons in Command and Control
from the Los Angeles Riots," *Parameters*, Vol. XXVII,
No. 2, Summer 1997.

"Secretary of State and Chief of the General Staff."
Available [Online]: <http://mil.logicnet.ro/330000.htm>
[24 May 1998]

Simon, Jeffrey. *NATO Enlargement & Central Europe: A Study
in Civil-Military Relations*. Washington D.C.: National
Defense University Press, 1996.

_____. *NATO ~ Warsaw Pact Force Mobilization*. Washington
D.C.: National Defense University Press, 1988.

_____. *Warsaw Pact Forces: Problems of Command and
Control*. Boulder, Colorado: Westview Press, 1985.

Smith, Tony. *America's Mission: The United States and the
Worldwide Struggle for Democracy*. Princeton, New
Jersey: Princeton University Press, 1994.

Snider, Don M. and Miranda A. Carlton, Eds. *The U.S.
Civil-Military Relations*. Washington DC: The Center for
Strategic and International Studies, 1995.

"Structures Subordinated to the Ministry of National
Defence." Available [Online]:
<http://mil.logicnet.ro/6100100e.htm> [23 May 1998]

Tarrow, Sidney. *Power in Movement*. Cambridge: Cambridge
University Press, 1994.

"The Supreme Council for National Defence." Available
[Online]: <http://mil.logicnet.ro/41270e.htm>

"Troops Disperse Demonstrators At Cotroceni Palace." (27 September 1991), *FBIS Daily Report-East Europe, Romania*, 27 September 1991 (FBIS-EEU-91-37-38).

Volten, Peter, Ed. *Uncertain Futures: Eastern Europe and Democracy*. Boulder, Colorado: Westview Press, 1990.

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